

HISTORY
OF THE
UNITED STATES

FROM THE FOUNDATION OF VIRGINIA TO THE
RECONSTRUCTION OF THE UNION

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IN TWO VOLUMES

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so much more direct and indirect evidence than it is possible to cite.

* I have spoken with intentional but carefully-weighed severity of the recklessness of certain controversial histories and military biographies. In so doing, I have consciously invited as severe a trial of my own work. The moral responsibility of the historian seems to me as grave as that of the judge. If the dead cannot feel, they appealed while living to the tribunal of history, and would have anticipated its censure with hardly less pain than a sentence which could be executed upon their persons. Bearing in mind what I have felt and said of the one-sided and often demonstrably false judgments on men I revere, which brilliant writers have transmitted to a posterity which I fear will never take the trouble to reverse them, I have taken pains to pass none of the justice whereof I was not fully and scrupulously satisfied. The guilt of the historian who pronounces such judgments in heedlessness, passion, or hatred, is too commonly underrated. The guilt of perverting or suppressing facts which affect personal character or conduct is, I think, strictly parallel to that of similar misrepresentation in a Court of Justice. The historian who so offends bears false witness against his neighbour; and it makes no difference that the latter has already been called to answer before a Tribunal which false witness cannot affect. Some shade of similar guilt attaches, perhaps, to the critic who, without careful examination of the evidence, brings a charge of false witness against an historian known to have given years of study to his subject.

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HISTORY OF THE UNITED STATES.

BOOK I. INTRODUCTORY.

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THE DISCOVERERS.

The Modern Era—Enlargement of the World—The Indies—Columbian Geography—The Way to India and Cathay—The North West Passage—The Quest for Gold—Newfoundland and the Fisheries—Fur Trade—Canada and the Jesuits.

If a line can be drawn between mediæval and modern times, it should fall athwart the latter half of the fifteenth century. That epoch, at least, is marked as the close of an æra, the beginning of a later period; as a watershed between divergent currents of thought and action, defined by the decay of old, the development of new dominant influences, by a new turn given to the tide of civilisation, such as can nowhere be found separating what we are accustomed to call ancient from modern history. The decline of the Roman Empire was the work of a millennium. It began at latest with the Antonines; it was not complete till their last successor died in defence of Constantinople. The continuous story of England, from the first English settlement in Britain, belongs in its entirety to modern history; but the contemporaries of Cerdic and Hengist belong to the age, if not to the century, of Constantine and

Julian. 'Modern history in the East may begin with Mahomet, but the successors of the Prophet encountered the legions and the eagles that had vanquished Hannibal and confronted Sapor. The Empire endured throughout the Middle Ages, and links the age of the Tudors to that of the Ptolemies. The chronological unity of Christendom, the continuity of European history, was broken at no previous point as, to contemporary consciousness, it was broken when the bounds of the known universe were suddenly and indefinitely enlarged; when a world tenfold greater than the Empire of the Cæsars was divided by a decree of the Roman pontiff between two princes who owed or owned no allegiance to the Roman Emperor.

The traffic of Venice and Genoa, the travels of Mandeville and Marco Polo, had made known to Europe the existence of vast frozen wastes in the north-east, of indefinite deserts roamed by nomad tribes beyond the Euphrates, of great empires, huge and wealthy cities, lands of spice and jewels in south-eastern seas, even as the successors of Alexander and Augustus knew of realms beyond the Indus and the Caspian; but these dim regions of legend and conjecture lay on the outskirts of creation. The multitude had heard of them, if at all, as the contemporaries of Homer and Herodotus heard of the Ethiopians and the Hyperboreans, as children once heard of a fairyland within the earth or beyond the sky; and peopled them, in childlike credulity, with giants and monsters. Great princes and wealthy nobles, nay, the great merchants who derived their wealth from a monopoly of traffic with them through the nearer East, knew them only by their products; by pearls and nutmegs, by shawls and silks. A few Venetian and Genoese factors had seen the camels laden with their treasures; had met in the marts of the Levant the Arab traders, whose caravans had crossed the intervening deserts, who had purchased in the cities of India not only the wondrous products of Indian skill and patience, but the silk brought from lands yet more indefinitely remote—who had perchance laden their beasts on the shores of the Red Sea with the produce of Java and Ceylon. Here and there a single traveller

had ventured to share the hazards and hardships of the caravans, to pass the boundaries of that Mediterranean microcosm which had been for three thousand years, to Florentine and Norman as to Greek, Roman, and Carthaginian, the World; had traversed the trackless and measureless wilds, had visited the tents of nomad tribes, the courts of barbaric conquerors and civilised empires.

But till 1450 the ambition of princes, the enterprise of traders, the daring of adventurers had been confined within the olden limits. The merchant princes of Italy were satisfied with the vast profits of the Levantine trade, and showed no disposition to seek new and direct channels, to the peril of their existing monopoly. The seamanship of Western and Northern Europe had declined since the days of the Scandinavian Vikings, who, in the tenth and eleventh centuries, had defied the storms, fogs, and icebergs of the Arctic Ocean, had dominated the Baltic, the North Sea, and Irish Channel. Their boldest successors trembled before the lesser perils of Mediterranean navigation, and, terrified by the wilder storms and loftier billows of the Atlantic, hardly ventured out of sight of shore, save to cross those narrow seas of the dominion whereof the hardiest mariners of England were wont to boast, as of a supreme achievement of national strength and professional daring.

Several concurrent causes contributed to a sudden and signal development of maritime adventure towards the close of the fifteenth century. Much was due, no doubt, to individuals. Recent philosophy has pressed beyond reason a narrow and repulsive theory of progress; an historic fatalism which minimises the scope of human will and individual genius, which ascribes everything to the hour and nothing to the man. The fourth century B.C. was ripe for the Hellenisation of Asia; but without Philip Hellas might never have been united under a military monarchy strong enough for conquest: without Alexander Macedonian power and Hellenic discipline might never have been directed to the conquest of Asia. A defeat on the Granicus or at Issus might have

turned back the fertilising torrent. All tended towards a Roman Empire; yet the single genius of Hannibal kept the scales of fate for fifteen years balanced between Rome and Carthage. An instant advance from Cannæ, a Punic victory on the Metaurus, might have given to Rome's great rival the dominion of the Mediterranean; stamped a Semitic impress on the law and civilisation of the world. Romanism was rotten to the core for three generations before Luther and Melancthon, Calvin and Knox arose to achieve the work wherein Albigenes and Lollards, Wycliff and Huss had failed. But for Christopher Columbus and Prince Henry of Portugal the new energies, the nascent enterprise of their generation might have taken another ply. The discovery of America might have waited till a new series of crusades had driven the Turk across the Euphrates, Europeanised Northern Africa and Western Asia, and not improbably brought Greek and Slav, Muscovy and Siberia, into the Roman pale. But for some great revolution, some vast enterprise, some task worthy of concentrated strength, unfettered energies and stimulating enlightenment, the time was unquestionably ripe.

Three great movements, long in gradual preparation, now finally completed, had changed the prospects, the politics, and the temper of Europe. Dismembered Spain and France had been severally consolidated, like feudal England, into a single state, under a supreme if not despotic Sovereign. Their strength, no longer wasted in internal conflict, was available for any object of national ambition. The revival of learning had been attended by an awakening and development of science, which, still in its infancy, had recovered all the geographical and astronomical knowledge of the ancients, preserved, collected, and enlarged by Arab sages, happily for mankind observers rather than theorists, under the enlightened Saracen Khalifs of the East and West. Internal wars had shaken the Mahometan power to its centre. The triumph of Turkish barbarism, the decadence and approaching fall of the Moorish kingdom in Spain, the weakness of the semi-independent piratical states of North Africa, had relieved

Christendom from the terror of a Mahometan conquest. The Empire had long to wage a doubtful border-war on the Danube ; but in the varying fortunes of that war the Western Powers were no longer interested. Their hands were freed and strengthened, their minds released from the superstition that had fettered scientific and practical enquiry as narrowly as theology itself ; and at the same moment a new inspiration fired them, new adventures and unlimited hopes opened before them. Venetians and Genoese, Spaniards and Portuguese, had gleaned from the Arabs notions of Oriental geography, not indeed accurate, but comparatively definite and in the main correct. The leaders of science had roughly ascertained the form and size of the Earth ; learnt that the Red Sea opened into an ocean beyond which lay the teeming cities and fertile shores of Hindostan, the pearl fisheries and the Spice Islands.

Two maritime adventurers of antiquity claimed to have circumnavigated Africa in opposite directions. Arab tradition probably confirmed their story, and the scholars of that generation accorded a more confident faith than modern criticism allows to the voyages of Eudoxus and Hanno. Prince Henry of Portugal, bent on repeating their exploits, and proving that Africa did not, as some alleged, stretch to the Antarctic ice, or join the shores of Western Asia, encouraged adventurers to defy the imaginary terrors of a tropical zone of fire, to explore the African coast as far as Cape de Verde, and venture three hundred leagues from the Continent to annex the Azores to the Crown of Braganza. Had he lived, Columbus would doubtless have found in him an eager and indefatigable patron, and Portugal might have anticipated her mightier neighbour by ten or twenty years in the discovery of America. He died in 1478 ; and though Columbus appears then to have been settled in Lisbon, there is no proof that his dream, not of a Western continent but of a westward passage to the Indies, had yet taken shape or solidity. His views were probably developed by a study of the rude science of the age, the traditions of ancient geographers, and the reports of Portuguese mariners ; among whom visions of lands

westward of the Azores, and stories of carved driftwood, reeds of gigantic size, and trees thrown up by western winds or currents on the isles of Cape de Verde, were already floating.

Had Columbus been anticipated? The legend of a Welsh expedition, which reached some western region only to disappear for ever, belongs to the domain of pure fable. But Snorro Sturleson, the Icelandic chronicler (1178—1241) mentions that a certain Leif, whose adventures belong to the end of the tenth and beginning of the eleventh centuries, 'found Vinland the good.' Icelandic MSS. recently discovered, and held by the best Danish scholars to belong to the fourteenth century—containing, moreover, extracts from writers older than Snorro himself—explain this obscure allusion. Scandinavian adventurers had already peopled Iceland, and formed settlements on the coasts of Greenland; whose name, with the fact of settlement and the traditions of the age, imply that its climate and character have undergone a signal change within the last eight hundred years. In 986 one Biorne (Beorn, a well-known name among the Danes of England) sailed from Iceland for Greenland; and, overtaken by fogs and driven westward, found himself sailing in a north-easterly direction, with low and wooded land on his left. He kept on the same course nine days; and at the end of that time arrived in Greenland from the quarter opposite to that from which he sailed. Fourteen years later, Leif sailed from Greenland in quest of the land seen by Biorne. To that which he first encountered he gave the name of Helluland, or Slate-land, suggestive of high, bare, and inhospitable cliffs. Coasting southward, he reached a country with a raised beach of white sand, skirting a level forest interior, which he called Markland. Sailing south-west out of sight of land for two days, he found and wintered in the country which, from the discovery of abundant wild grapes, was celebrated in Northern tradition as Vinland. Two other adventurers further explored its shores; and gave the name of Keelcape (signally descriptive of Cape Cod, with its long narrow curved promontory) to one of the most striking landmarks of their discovery. Their

description of the natives, sallow, with large clumsy features and shaggy hair, suggests an Esquimaux rather than Red Indian tribe. The climate and vegetation, combined with the direction and distances given, would identify Vinland with New England rather than with any region further to the North. It is quite possible, however, that changes, like that which has rendered the name of Greenland so ludicrously inappropriate, may have affected the climate of the opposite shores; and the race which is supposed to have extended in pre-historic ages far into north-western Europe may, in the eleventh century, have still occupied the American coast south of the St. Lawrence. The story is intrinsically probable. The daring mariners who were for centuries the scourge of the European seaboard, who swarmed forth to occupy Shetland and the Orkneys, to conquer England and Normandy, to found colonies in the eastern harbours of Ireland and on the shores of Greenland, could hardly fail to be driven by chance or curiosity a little further to the west. It would have been strange if not one vessel of theirs had met the fate ascribed to Biorne; if none were driven by winds and currents in foggy weather across the comparatively narrow sea between south-western Greenland and Labrador; and, the existence of a western continent once reported, the bolder adventurers of that enterprising race would hardly leave the question open. The first half of the eleventh century found them abundant occupation nearer home. The mutual hostilities of Norway, Sweden, and Denmark, the wars of St. Olaf and Cnut, of Sweyn, Magnus, and Harold Hardrada, amply account for the abandonment of their western discoveries.¹

Rumour may have preserved vague traditions of these voyages. There were certainly floating tales of lands in or beyond that ocean which was long supposed to bound the habitable world; the fabulous Atlantis of Plato, the mythical Island of St. Brendan, and the like. But the leading idea of

¹ The tower of Longfellow's poem was probably a mill built by the English settlers. It can hardly have been standing when they arrived. See Palfrey's discussion of the point, *History of New England*, vol. i: cap. 2.

Columbus, according with the belief of his best-informed contemporaries, was that an ocean some eight hundred leagues in width parted the western shores of Europe from those of Eastern Asia. This and several other errors greatly contributed—were perhaps essential—to the success of the first adventure. Neither Columbus nor his patrons dreamed of crossing an indefinite extent of ocean in quest of unknown lands. Exaggerating enormously the general and even the metallic riches of India and Cathay, they sought a direct communication with those indefinite realms of the Far East, and believed them to lie within some sixty degrees of longitude. The views of the great adventurer are represented by the globe of Martin Belem, his contemporary and reputed acquaintance. The known world, Europe and Asia Minor, occupies two-thirds of the North Temperate Zone. The unknown Eastern regions of Asia extend over another sixty degrees, terminating in an archipelago of which Cathay and Cipangu (Japan ?) form part, opposite the Azores and Cape de Verde Islands.

These illusions long haunted the minds of Transatlantic explorers and their European patrons. Long after the continent of America had been discovered and crossed; after a Spanish leader had seen the Pacific, walked into the waves up to his girdle, and taken possession thereof in his sovereign's name; after the successors of Columbus had traced its eastern shores beyond the northern and southern tropics, seamen and princes alike dreamed of a direct ocean passage to the East Indies. Magellan found the Straits that bear his name; Drake circumnavigated the world and explored the Pacific coast as far as Oregon; yet English mariners still sought that North-west Passage which must be the shortest route to China; and the first English colonists, at the beginning of the seventeenth century, were ordered to endeavour after such a passage by ascending rivers that flowed from the north-west—so confused were the ideas of those best informed and most interested regarding the extent and trend of the North American continent. The notion of America as an El Dorado teeming with mines of gold and silver, originally founded on the illusion,

never dispelled from Columbus's mind, which identified the East and West Indies, was confirmed by the conquests of Cortez and Pizarro, and persisted to a very late period in the minds of sovereigns and statesmen, merchants and colonists. A Spanish expedition persevered for years in the search for treasure in what are now the Southern United States; dared innumerable hazards, endured prolonged and all but fatal hardships, traversed the continent from Florida northward to the Carolinas, westward to the Mississippi, and again almost to the mouth of the Missouri; and descending the Father of Waters, added to the nominal dominion of Spain a region larger and more fertile than Western Europe; yet neither they nor their King saw aught worth reward in the achievement. Neither cared for an empire which promised no new mines of gold or silver, or deemed the fertile territory they had explored worth occupation. The voyagers who discovered Labrador, the first settlers of Virginia, loaded their ships with cargoes of earth from which they hoped to wash or smelt the gold of which it contained not a particle. The greatest metallic treasures of the New World, the golden sands and quartz of California, the silver mines of Colorado and Nevada, lay just beyond the bounds of Spanish settlement, and far from the course of the nobler French discoverers.

On October 12, 1493, Columbus first landed in the New World, on the island of St. Salvador, one of the group now known as the Bahamas. Coasting from island to island, he discovered Hayti and Cuba, and in a later voyage actually set foot upon the continent. The tidings he brought, the supposed discovery of some outlying isles of the Indies, were received with an excitement and enthusiasm unequalled, probably, in history; hardly less intense, perhaps more universal, and certainly more lasting, than hailed the earliest Crusades. England was the first of the maritime Powers to emulate his achievement. John and Sebastian Cabot, Italians employed by Henry VII., followed rather in the wake of the Vikings than in that south-westward course from the Azores adopted by Columbus, to which discoverers and traders long adhered.

June 1497 they reached what seem to have been the shores of Labrador and Newfoundland. The teeming fisheries of that island were for the next century the chief attraction of that part of the New World which was open to other than Spanish adventure. Squadrons of fishing vessels from France, Portugal, England, and Holland crowded its harbours, thinned the shoals of cod, and chased the whale far across the icy waters.

Through them, and adventurers following in their track, their countrymen obtained a fragmentary and imperfect knowledge of the neighbouring shores of the Continent. The Florentine Verazzano, in the service of Francis I., reached the islands of North Carolina, and coasted northward, taking possession in the name of France of a boundless region which, as it produced no gold, France cared not to occupy. Chance or curiosity led the bolder fishermen to visit various Continental harbours; and an important trade gradually grew out of their barter of European gauds for beaver and other skins, the sole valuables of the native tribes, and seemingly their medium of exchange. This trade directed the earliest attempts at settlement to the great estuary of the St. Lawrence. The brief hot summers and long winters of almost Arctic severity rendered its shores an unattractive field for agricultural colonisation; as the extent of its navigable waters, penetrating to the centre of the Continent, offered the most promising sites for trading factories. Jacques Cartier in 1535 sailed up the river as far as Montreal, near to which then stood the fortified Indian village of Hochelaga, containing some fifty houses. The beauty and promise of the place, its evident fitness for an *entrepôt* of the fur trade, deeply impressed the daring and clear-sighted adventurer. The description of Hochelaga and its inhabitants argues a degree of civilisation and intelligence superior to that of the tribes whom the English colonists at a later period found scattered over the wilds of New England and Virginia. But Cartier, with characteristic judgment, had selected Quebec as his first and paramount object; a position which, permanently occupied and fortified, would secure to France the exclusive command of the inland waters. He

wintered there, suffering terribly from cold and scurvy, and deeply indebted to Indian hospitality for fresh provisions, and a decoction of spruce bark which seemed to possess some of the virtues of lime-juice. He requited their kindness by kidnapping and carrying with him to France eleven of the natives; an act which brought upon him many subsequent troubles. Shortly afterwards, a whole squadron, intended to carry out his plans, was lost at sea. Repeated attempts to found permanent trading settlements failed disastrously. Domestic politics, the Huguenot wars, and the relations of the Catholic party with Spain, discouraged French enterprise in the New World. A Huguenot colony founded in Florida in 1564 was next year exterminated by a Spanish fanatic, half buccaneer, half crusader, named Melendez. The victor established a Spanish garrison at St. Augustine, the oldest European settlement within the present area of the United States. It was not till 1608 that Champlain finally succeeded in founding a permanent factory at Quebec. He was anxious to secure the goodwill of the natives, whose justly provoked enmity had contributed to previous disasters; and with two men only joined the Algonquin tribes of the neighbourhood in an expedition against the Iroquois, the most warlike, and, as their polity indicates, by far the most intelligent and least barbarous of the Indian nations.

Few other tribes seem to have possessed a permanent military or civil organisation. Each clan owning a common tongue and origin appears, in spite of the general denials of early observers, to have acknowledged certain loose bonds of patriotism and fealty. In most cases an hereditary Sachem could combine the people of many scattered hamlets in war or council. Some had a central council-fire, and even a capital fortress; but as a rule, in ordinary times each hamlet of fifty wigwams or fewer was a self-dependent community, with little government, and no effective power of controlling or punishing the members for whose misdeeds it was liable to suffer. The most powerful chief could muster from five to eight hundred warriors; in extreme cases twice that number might

join on a common war-path. The feebler Algonquin race, scattered over the seaboard from the St. Lawrence to the Chesapeake, and the Hurons of Canada, seem to have been at permanent feud with the Iroquois, of whom all the tribes round them stood in terror. The 'Five Nations,' whose native designation the French thus rendered, maintained for generations a permanent confederation, under the leadership of the Mohawks, to whom the Oneidas, Senecas, Cayugas, and Onondagas looked up with evident respect and attachment. Their power and prowess were proved on more than one great and terrible occasion; their loyalty and straightforwardness, their simple dignity of speech and demeanour, appear vividly distinct in the narratives alike of friends and foes. The confederacy seems to have held the greater part of Northern New York and Western New England; its power was dreaded from Virginia to Nova Scotia, and far into the West.

The first expedition, in which Champlain explored the lake which bears his name, was almost resultless; but embroiled him and his successors in a prolonged and disastrous feud with a formidable and vindictive enemy. When Canada was already a promising and thriving colony, when French settlements were scattered far along the lower St. Lawrence, and the Jesuits, the most successful of all missionaries, had Christianised and half civilised the Huron people of the province, gathering them by thousands into peaceful and prosperous villages, with extensive farms and simple domestic manufactures, the Iroquois took a fearful revenge for their old grudges. They surprised or stormed the Jesuit settlements, massacred their harmless and helpless inhabitants, almost depopulated the country; and but for the ramparts and cannon of the French forts, their own inexperience and incompetence in the simplest siege operations, and the characteristic impatience which could not sustain even for a few weeks the tedium of a blockade, they would have fulfilled their threat, and driven the white intruders from the land. Despite this fearful calamity, the French settlements were gradually

extended. Royal favour furnished soldiers and settlers; trade did something; Jesuit missions most of all. They established posts on Lake Champlain and Lake Erie, at Niagara, and on the Illinois; penetrated, with the aid of friendly natives, to the head-waters of the Mississippi, and sailed downward to its mouth.

The creation, the development, and the colonisation of New France, its trade, its industry, its exploring expeditions carried further into the interior than either Spaniard or Englishman dreamed of venturing for another century, were the work and the glory of the Jesuits. The Spaniards appeared in the New World as unscrupulous conquerors, merciless extortioners, tyrants, and persecutors; the Dutch chiefly as traders; the English first as pirates and later as settlers, eating the natives out of their hunting-grounds; the French primarily as missionaries and benefactors. The disciples of Loyola devoted themselves, with no after-thought of greed or gain, to Christianise and civilise the Aborigines. They ventured further than the most daring pioneers, endured hardships from which colonists and conquerors alike recoiled, abode for years in the squalid hovels of the natives, lived and died with and for their converts, and were martyred one after another, not through fanaticism or wanton provocations, but because they would baptise dying infants, in the knowledge that superstition would hold them guilty of the death. All that is bright and pure and glorious in the annals of the infant province, all the noblest chapters in the early history of American colonisation, belong to the Order of Jesus; its failures and disasters were brought about by the greed or passion, the ambition or the folly, of the lay associates who controlled the military and civil government.

The years 1606-10 are memorable in American history. They witnessed the first permanent settlement of Quebec, the foundation of Canada by Champlain; the discovery by Hudson of the river that bears his name from Sandy Hook to Albany, and the first commencement of the Dutch settlements on its shores; the voyage in which the great navigator, recalled

from the service of Holland by his own sovereign, reached the bay also named after him, was cast adrift in a shallop by his mutinous crew, with some who were compelled and one who deliberately chose to share his fate, and perished miserably, none know exactly how ; and finally, the establishment of the first English colony in what is now Virginia (1607). . . .

CHAPTER II.

THE FOUNDERS.

Elizabethan Mariners—Sir Walter Raleigh—Roanoke—Fate of the Colony—
The English Companies—Virginia—Captain Smith—Powhatan and
Pocahontas—Desertion and Retrieval—Maryland.

THE religious wars of the sixteenth century delayed for two or three generations the occupation of North America. The intestine and international quarrels of Germany, France, and England concentrated their strength and energies at home. Spain alone, then at the zenith of her power, drawing vast wealth from the oppression and exhaustion of her Transatlantic dominions, and free from the domestic divisions which enfeebled her rivals, had leisure and force to spend in extending and consolidating her empire. The accession of Elizabeth, the final ascendancy of the Reformation, the subsidence of domestic feuds, gave a new stimulus and a new direction to the growing maritime strength and enterprise of her realm. Whether formally at war or not, Protestant England was never really at peace with His Catholic Majesty; and Elizabeth, constantly menaced by the greatest naval and military Power of the world, embarrassed by the dubious loyalty of the Northern Catholics, had a difficult and dangerous part to play.

The treasury was empty, the revenues of the Crown scanty in the extreme. The old financial system was utterly inadequate to modern needs. The experience of her successors shows that the Queen and her advisers judged prudently in not appealing to Parliament to strengthen the State by a revised and efficient system of internal and external taxation. Such a novelty, if not by any means oppressive to the new

wealth of England, must have been odious to the 'ignorant impatience' of the age. The available resources of the Crown were strained to the uttermost by the necessities of self-defence, of military interference in the Netherlands, of upholding, sometimes by force, always by bribery, the English and Protestant interest in Scotland. For the maritime power of the realm, the mastery of the narrow seas, the defence of her own shores, Elizabeth relied on the voluntary enterprise of marine adventurers; and was compelled generally to encourage, always to connive at, the piratical warfare which, even when the Crowns were nominally at peace, men like Drake, Hawkins, and Sir Richard Grenville waged without ruth or truce against the Spanish galleons on the high seas, the Spanish ports and possessions in America.

The Buccaneers were never mere pirates. The greed of spoil which recruited their squadrons with the boldest spirits of England was hallowed by patriotic and religious enthusiasm; ennobled by an heroic courage, by splendid exploits achieved against great odds, and by a love of adventure for its own sake, which enlisted the warmest sympathies of their countrymen, rendered invaluable service to their sovereign, and concentrated the attention of Englishmen upon that New World which was the scene of their adventures. Drake and Hawkins were the unconscious pioneers of American colonisation, as distinguished from Spanish conquest in the South and French traffic in the far North. The wars of the Spanish Main formed the volunteer navy, which, aided by the elements, resisted, baffled, and dispersed the Great Armada, and saved England from an invasion the most formidable that has ever threatened her since the landing of William the Norman. But for them Elizabeth must have fought for her crown, for the freedom and religion of England, on English soil. At the head of a semi-feudal militia, an army of peasants and artisans officered by country gentlemen, few of whom had ever seen war, she must have encountered the finest regular army in the world, commanded by the ablest general of his age. After plundering the Spanish harbours of the Pacific, Drake

explored the western coast as far as the southern borders of Oregon, in 43° N.L. Frobisher, about the same time, carried a fleet of fifteen sail to Labrador, and loaded his vessels with huge store of a mineral, falsely supposed to contain gold.

Sir Walter Raleigh, however, a compeer of both, was the true father of English colonisation. It was he who claimed and secured for England the eastern coast of America in the North Temperate Zone, from the Spanish forts in Florida to the undefined frontier of New France. Sir Humphrey Gilbert, Raleigh's brother-in-law, a soldier and politician, a writer on the theory of navigation, as well as a practical seaman, made a first fruitless attempt in 1579. In 1583 he actually sailed for, and took possession of, Newfoundland, and brought away a cargo of something supposed to be silver ore, which, with two of his three vessels and the adventurer himself, was lost on the return voyage. In 1584 Raleigh, constituted by patent the proprietor and viceroy of all the lands he should settle, despatched two vessels under Amidas and Barlow, which in July actually reached the shores of North Carolina, explored Roanoke Island and the sounds now called Pamlico and Albemarle; and brought home an account of the soil and climate, the magnificent semi-tropical vegetation, the abundance of birds and game, the natural wealth and beauty of the country, the calmness and transparency of the summer seas, which, fully confirmed by their successors, made a strong and lasting impression on the English mind.

From that voyage dates a change in the spirit and direction of Transatlantic adventure. Henceforward the hopes of Englishmen were turned from piracy and plunder, and even from the vain persistent quest of gold, more and more to the settlement of the vast and fruitful domain, extending over 15° of latitude, to which Elizabeth had assigned the name of Virginia. In April 1585 a second expedition of seven vessels under Sir Richard Grenville, the most famous of those associated with Raleigh's enterprise, sailed by the still usual route, the Canaries and West Indies; and after some profitable privateering adventures in Spanish waters, made its way to the

island of Roanoke. Here it landed 108 colonists, under Ralph, afterwards Sir Ralph Lane, appointed by Raleigh as Governor of the settlement.

Hariot, a keen observer and thoughtful writer, busied himself in studying the products of the country; noted the native corn, with its huge stalks and gigantic ears and its vast return from a single seed, the principal dependence of the natives; the potato, whose roots, when boiled, he found wholesome and palatable; and the yet more striking novelty of tobacco, the solitary luxury of the people. He described the natives themselves, their scanty deerskin clothing, their wigwams of two kinds, one made in the well-known fashion, common to the whole race, of poles and mats, the other seemingly built with walls and roofs of bark, supported by stakes and branches; the utter absence of civil government and military discipline, and even of tribal unity. All authorities agree in this account of the native races whom the earlier English settlers, from Maine to the Carolinas, first encountered. Their wooden clubs and stone hatchets, their hazel bows and reed arrows tipped with flint, bone, or eagle's claws, their spears with points charred in the fire and rudely sharpened, were obviously ineffective in war, and, one would think, hardly formidable to the larger or swifter game. They were wholly ignorant of iron, and—what, considering the large quantities of the native metal found on Lake Superior, is more surprising—of copper. The terror inspired by fire-arms, the sense of helpless inferiority, rendered them at once abjectly submissive and suspiciously jealous. They were friendly till wronged or alarmed, but, when once embroiled in a quarrel, desperate of redress or rescue, seeing no safety but in distant flight or the extermination, by surprise or treachery, of enemies they could not hope to resist.

The Indians of the Roanoke River were at first cordial, but soon frightened into ill-will, whether by actual experience or instinctive or superstitious mistrust. But the first serious act of hostility was, as usual, committed by the white men. Fearing a native conspiracy, of which no proof was forth-

coming, they visited Wingina, the most powerful of the native chiefs, and, received as friends, suddenly and without provocation or warning attacked and massacred their hosts.

The consequent hostility of the Indians, putting an end to trade and cutting off the local supply of food, wholly disheartened the offenders. Drake paid them a chance visit a week after the massacre, and furnished them with provisions; but when he prepared to sail, the colonists, like children left alone, took fright at their very solitude, so remote from civilisation. They lacked confidence in the promised aid from home, which must be dependent on wind and weather and liable to be cut off by Spanish hostility. Even their leader's heart sank; and, yielding to their unanimous pressure, Drake embarked them on board his ships for England. Within a few days a ship arrived laden with stores; and a fortnight later Sir Richard Grenville, coming to their help with a small squadron, found the colony deserted; but, to keep possession, left fifteen men on the island.

Raleigh, in spite of this disappointment, sent out a new body of emigrants, some of them women, with an ample provision of agricultural tools. The new-comers took possession of the ruined fort and deserted houses left by their predecessors. But the sorely provoked hostility of the Indians harassed them from the first. One tribe even now gave them a cordial welcome, and such assistance as it might; but these were alienated by a painfully characteristic accident. A white party, mistaking them for enemies, fell upon them by surprise at night, and had slaughtered several before they discovered that they were butchering their friends. White, the Governor appointed by Raleigh, embarked for England to hasten the despatch of reinforcements and supplies, leaving behind his daughter, her husband, and their infant, born in the colony, with eighty-eight men, sixteen women, and one other child. He found England absorbed in preparation for the Spanish invasion, notwithstanding which Raleigh furnished him with two vessels, freighted with ample supplies. But White was less zealous for the safety of those to whom he was more deeply

pledged. Engaging in privateering adventures in European waters, he was worsted, robbed of half his stores, and driven back to England.

Not till 1590 did he return to Roanoke, only to find the colony again deserted, and to search in vain for any trace of those whom he had sacrificed. Raleigh's loyalty to his adherents was stronger than his subordinate's sense of duty or natural affection. The lost colony was the object of researches scarcely less energetic, persistent, and costly than those which at last ascertained the fate of Sir John Franklin. But, save their deserted abodes, no relic or record, no stolen property or native tradition, ever explained their fate; no captive returned or was rescued. There were no signs of a night surprise or Indian massacre, no indications that the colonists had endeavoured to escape in a vessel of their own construction, and foundered at sea; nothing to explain a disappearance so sudden and so total. History only knows that the first English settlement in America vanished inexplicably, utterly, and for ever.

Even this crowning disaster failed to cool the enthusiasm which Raleigh's infectious confidence, his sanguine and dauntless spirit, his personal example and influence, and the trustworthy and encouraging information collected and diffused by such disciples as Hariot and Hakluyt—the first historian of English maritime enterprise—had kindled and sustained. The last years of Elizabeth, and the pacific reign of her successor, favoured the beginnings of colonial adventure; as the latter part of the fifteenth century had favoured that course of maritime discovery in which Columbus and Vasco de Gama—the Portuguese adventurer who first rounded the Cape of Good Hope and opened the trade of the East Indies—severally led the way. The great theological unsettlement, with its intestine divisions and foreign wars, was over: the politico-religious unsettlement, deeply rooted in the teachings of Calvin and Knox, had scarcely begun to trouble the minds of practical men. Puritanism was spreading and strengthening, but had not yet fermented into the leaven of civil disaffection. The

impulse of the Reformation was spent, but the intellectual restlessness, the speculative and adventurous spirit, the expansive energies it had directly and indirectly fostered, were still operative and active forces; which, disgusted with theology and diverted from war, were turned into the field of commercial and industrial enterprise.

The traders of Bristol, the mariners of Plymouth and Southampton, familiar with West Indian adventure and Newfoundland fisheries—the still wealthier and not less bold and enlightened merchants of London, who had already opened, through Archangel, the trade of North-Eastern Europe, and were ready to contend with Venice for the Levant, with Portugal and Holland for the East Indies—saw new sources of gain in the trade, and possibly the gold, of North America. In 1602, Gosnold, one of Raleigh's boldest followers, deserting the usual southern route for that shorter and directer northern course which trade has followed for the last two centuries, reached the coast of Maine, landed on and named Cape Cod, and built a temporary fort on the Elizabeth Islands, off the southern shores of New England. He carried home a cargo of furs and sassafras root, whose medicinal virtues were then as highly prized as those of quinine at present. The root, which cost only the labour of digging, sold for 3s. 6d. per lb., equivalent to 15s. 8r 20s. now. Skins purchased for a knife or a string of beads bore an even more exorbitant profit. Captain Smith, the first English explorer and ruler of Virginia, who has recorded the vivid impression made by Gosnold's report, was not the only man whose imagination was inflamed by such prospects of easy gain—by accounts of the various and aluable timber, the strawberries, raspberries, grapes, and cherries, larger than those of Europe, which abounded in the glades and forests of what was then known as Northern Virginia. Two further expeditions, sent forth to verify Gosnold's report, extended his discoveries and confirmed his account.

The hopes of hundreds among the bolder and more adventurous of the rising generation were fixed upon the country of whose charms there remained no reasonable doubt: a climate

at once genial and healthy, a soil of boundless fertility, waters (fresh and salt) teeming with known and unknown fish, splendid havens and magnificent rivers. Men of graver years and position, sobered by experience and responsibility, were scarcely less interested or less hopeful. The true author of the work was withdrawn from the field by his last fatal adventure in Guiana, the ruin, imprisonment, and death to which it doomed him. But many, alike of his followers and his enemies, profited by his bitter experience. What had overtaken his genius and perseverance was certainly beyond the strength of any one successor. Nominal patronage and legal sanction were all that could be hoped from the Crown. Yet resources adequate, if properly combined, well organised, and employed with judgment and determination, were available for the purpose. Younger sons of country gentlemen and yeomen, soldiers and seamen thrown out of employment by the peace with Spain, were eager to seek fortunes and estates beyond the ocean. Wealthy and enterprising capitalists were ready to share the pecuniary hazards of the adventure in exchange for an exorbitant share of its expected profits. Some among them were animated by loftier aims and more generous interests.

Under the control of a Council appointed by the Crown, whose authority presently passed into the hands of those actually enlisted in the work, two great Companies were formed, between which the whole Transatlantic domain of England, assumed to extend westward to the Pacific, was divided. The London Company were invested with an exclusive right to the country between 34° and 38° N. The Western Company, formed by the merchants of Bristol, Southampton, Plymouth, and the gentlemen of the Western counties, had a similar monopoly of the country between 41° and 45°. The former Company received Virginia and the country to the southward; the latter acquired a legal title to what is now New England. The intermediate tract, from 38° to 41° (Maryland, Pennsylvania, and New Jersey), was open to both. Under the auspices of the London Company, on December 19, 1606, three

vessels of under 100 tons burden sailed with 105 emigrants, of whom 52 were 'gentlemen,' 12 labourers, 4 carpenters, and one or two mechanics. Newport commanded the fleet, and, sailing by the southern route, apparently for Roanoke, was fortunately driven by a storm, in April 1607, into the Chesapeake. Its sheltered bay and ample havens, the noble rivers that entered it, the rich country they watered, fully satisfied the judgment of the best-informed of the adventurers, and raised the spirits of all.

On May 13 the peninsula of Jamestown, about fifty miles up the stream, to which the settlers gave the name of their King, was selected for the nucleus of that which, as the oldest of the American colonies, early acquired and still cherishes the name of the Old Dominion; the first permanent English settlement in a country which now contains 50,000,000 men, women, and children of English speech; and in the main of English blood. The promoters of the enterprise were, of course, liable to mistakes and oversights less excusable in later attempts. They had practically no experience of previous colonisation to guide them, and they seem to have been deficient in the foresight and common sense which might have partly supplied the want of experience. It had never occurred to them that in the first pioneers of settlement, sent to make good a foothold in a new and almost uninhabited country, any peculiar qualifications beyond the ordinary courage of Englishmen, and the spirit avouched by the very act of volunteering, were indispensable or even desirable. They chose their recruits as if the rejected material of the old society were good enough for the foundation of the new. As if no rare and especial qualities were demanded in the chief of such an enterprise, they did not even care to name a leader, but appointed local councillors, and left them to elect, on landing, their President or Governor. One only among the adventurers was a veteran explorer, a tried leader of men; and Gosnold, the virtual originator of the undertaking and its natural chief, was not vested with the authority which would have enabled him to render efficient service to the infant colony. Nevertheless

less, his death, ere its career was well begun, was a terrible and almost irreparable loss.

That Smith should have been regarded with distrust by the elder and more cautious of the party, with jealousy and prejudice by the generality, was natural enough. He was known only by his own report and testimonials, as an adventurer among adventurers. He had served against the Turks on the Danube; had been captured and sold in the slave market of Stamboul; had risen against and slain his master, and after a long series of strange experiences and varied hazards and hardships, had reached home just in time to enlist in a new and yet more novel adventure: the one successful experiment of a life of incessant enterprise and peril. It speaks much for his force of character, the impression made on able and practical men with whom he held personal intercourse, that such a man, still in his first youth, should have been named one of the Virginian Council.

His own intelligence, promptitude, and daring combined with the general prejudice against him, and the confidence of a few comrades, to invest him with the charge for which he was best fitted, in which no other probably would have succeeded, and in which he could best prove his supreme fitness for higher command. It had been enjoined on the settlers to explore the country, and above all its rivers: the persistent illusion of a North-West passage having taken a new and peculiarly absurd form. The hazy geography of those who prepared the instructions suggested the idea of a lake connected by navigable rivers with both oceans! Captain Smith's notions were not so confused; but the duty was important and congenial, and when devolved on him was readily accepted and vigorously executed. In a few months he had traced the course of the James, the Chickahominy, and some minor rivers; had sailed far up the magnificent stream of the Potomac, and traversed no small part of the intermediate region, covered with forest and obstructed by morasses. His former experience, turned to account by a clear and keen intelligence and a judgment riper than his years, was invaluable in dealing with a race not wholly

unlike those among whom he had served and travelled. Often menaced and sometimes assailed by overwhelming numbers, he never failed either to cajole or overawe the suspicious and superstitious natives, with wonderfully little bloodshed, and without a single act of wanton, vindictive, or wholesale slaughter.

His story has been doubted; but external and internal evidence alike is in its favour. Published at the time, it was not seriously challenged or contradicted by his comrades; and his first experiences accord, as no fiction could then have done, with Indian ideas and usages. At a very early period Captain Smith was cut off, surprised, and compelled to choose between instant death and a surrender at discretion. His captors brought him before Powhatan, their immediate chief, and, as it would seem, a suzerain exercising a precarious and indefinite authority over the scattered inhabitants of an extensive country around what is now Richmond. Smith understood that he was sentenced to death, and ordered for instant execution with the principal weapon of those warriors—the ‘tomahawk’ or wooden club—when Pocahontas, the chief’s daughter, a girl seemingly of ten or twelve, clung round the captive and insisted on his reprieve. We must remember that the adventurer interpreted the intentions and language of his captors only by their actions, and their characteristically vehement and vivid gestures; and, this borne in mind, the tale, if it have the colour of romance, bears yet more distinctly the stamp of reality. The interference of the girl is true to human nature; the reluctant pardon and the sudden transition from mortal hatred to cordial alliance are perfectly consistent with the well-known Indian practice, according to which a prisoner might either be adopted as a substitute for some slain tribesman, or sacrificed to his memory. Or the scene may have been designed to try the white man’s courage. In any case, it is told just as it must have seemed to one whose life hung on the issue of a dispute conducted, with eager gesticulation, in an unknown tongue. The subsequent history of Pocahontas—her little acts of kindness to Captain Smith’s companions, evidently prompted by shy girlish regard for him—

self, her treacherous betrayal and detention as a hostage for Powhatan's faith, her conversion and marriage with a colonist named Rolfe, her introduction to the English Court, and her early death—forms an undisputed, consistent, and touching sequel to Smith's account.

The personal influence that had won the confidence of the grave English patrons of Virginia impressed yet more easily and deeply the mind of the Indian potentate. Powhatan had the sense to appreciate the power of his visitors, the present danger of their enmity, the advantage of their commerce. They wanted, as he said, only a little waste land; and he could not see that the hundred were but the advanced guard of innumerable thousands, who would want more land than he could spare, and before whose very contact his people would wane and wither, pine and perish. His favour doubtless contributed to smooth the envoy's path, and at a later stage it allayed the distrust and irritation excited by the growing power and extending settlements of the strangers, and kept the peace to the end of his own life. That force was hopeless, and that fraud would defeat their own ends, the natives soon understood. Indeed, their hostile demonstrations always seem to have been prompted by fear; once reassured, they were ready to deal peaceably and honestly with a man they could understand and respect; and on the whole, they adhered to reasonable stipulations with remarkable fidelity. By a judicious mixture of firmness and forbearance, conciliation and intimidation, Smith established over them an ascendancy which, temperately and prudently used, was of invaluable service to the colony during the most critical period of its infancy.

The traffic he secured and regulated was equally advantageous to both parties. Glass beads and red cloth, like gold and choice furs, derived their exchange value from foppery and fashion. But the Indian estimation of knives and axes, even of nails and iron hoops, was nowise extravagant or absurd. To them the blade which would do the work of ten stone hatchets at once, and outlast them also, which saved them weeks of labour and eased that of years, was worth the spoil of a

month's hunting or trapping. The scrap of waste iron was an invaluable substitute for the arrowhead of horn or stone, the shell or the eagle's claw. And when the scanty stores of imported food were wasted, spoilt, or exhausted, the colony depended for very subsistence on the game and venison furnished by the Indians; still more on the supply of maize which, at Smith's instance, had been reserved and sometimes grown for the trade. The skins and furs purchased with a part of the goods sent for that purpose helped to make up a return freight, when their impatient patrons threatened, in default of value for their outlay, to abandon the exiles altogether.

Returning finally from his travels, Smith found the settlement reduced almost to the last extremity. Disease and faction had combined to paralyse their energies. The first weeks were mis-spent, and presently sickness had so wasted the strength of the colonists that the number capable either of work or of self-defence had dwindled from one hundred to forty, and at one moment scarcely exceeded ten. On a general background of failure and disgrace, Smith's success stood out in signal and brilliant relief. In the dangerous and difficult duty imposed on him, he had unquestionably proved himself capable, conscientious, and judicious—above all, a born leader of men. On him the command was now devolved, and from that time (1608) till he sailed for England, in spite of troubles and embarrassments, of actual mutiny and attempted desertion, his authority was firmly maintained—wisely, moderately, and honestly exercised. One gang of traitors would have stolen the 'pinnacle'—the one vessel retained by the colony—in order to return home and leave their weaker companions to perish. The improvident greed and reckless competition of others threatened to ruin the Indian trade, which Smith insisted on conducting as a public concern for the common interest. The home partners complained bitterly of the inadequate return for their expenditure. One shipload of worthless earth, supposed to contain gold, had wasted half a season and an annual voyage. The usual

hardships of a pioneering life fell with especial severity upon ill-selected and unseasoned men with no record of former colonial experiments to assist them, inflated by absurd and misdirected hopes, and broken down by repeated disappointments; wholly ignorant of sanitary conditions, deprived of wonted comforts, probably drinking unwholesome water, and living on unaccustomed food. Fifty men had perished in the first twelve months. In 1608 seventy new emigrants filled their places: but it was not till the next year that a gleam of prosperity encouraged either the settlers or their patrons at home. The 'gentlemen,' under Smith's guidance and example, had learnt to wield the axe, and the return freight could be made up by a full cargo of 'clapboard.' Some fifty acres of maize had been planted by the settlers themselves, so that they were no longer at the mercy of Indian caprice or indolence.

At the same time a new, stronger, and less exacting Company was formed in England, to take over the task and the responsibilities of which many of the first adventurers were weary, and which seemed too heavy for their strength. Hundreds of noblemen and gentlemen, statesmen and merchant princes, who cared little about a trade in furs or sassafras, took an eager interest in the development of a colony—in the growth of a transmarine empire. The feeling awakened by Smith's published narrative, the ardent and widespread hopes with which the original enterprise was resumed and enlarged, are shown by the list of the new Company, from Robert Cecil Earl of Salisbury, then Secretary of State, and other eminent peers and gentlemen, to merchants, country squires, tradesmen and yeomen. Taking over the rights of their predecessors, they obtained a new patent, with wider powers and somewhat better defined boundaries. They proved their zeal and energy by the prompt despatch of a fleet of nine vessels with more than five hundred emigrants. Unhappily, too many of these were men of broken fortunes or character, with but a sprinkling of skilled artisans and a minority of labourers. Sent out for the most part at the Company's expense, they

seem to have been rather those of whom England was well rid than those by whom Virginia was likely to profit.

Even with such unpromising materials a chief like Smith might have prevailed. But, after struggling for another year to maintain his own authority and the fortunes of the colony, an explosion of powder, inflicting injuries beyond the skill of any local surgery, induced or compelled him to abandon the task. In a company of volunteers, sailing at their own risk and choice in quest of fortune, natural selection would have ensured courage, hardihood, hope, and perseverance; experience would soon have established discipline. As it was, the colonists lapsed, when deserted by the one natural leader whom chance had sent them, into anarchy, idleness, and despondency. They wasted their home stores; they quarrelled with the Indians, who might have supplied their more pressing needs; and perished in scores by disease and famine. One party seized a ship and turned pirates. Smith had left five hundred behind; in a few months scarce sixty remained.

Gates, Smith's intended successor, who had been wrecked and long detained on the Bahamas, found the relics of the colony in the depths of misery and despair. The arrival of a responsible chief only inspired them with energy to escape. The whole body embarked for Newfoundland, on board four small vessels; and on June 9, 1610, approached the mouth of the James. Here they were surprised to encounter the boat of an English ship. From her crew they learned, with mingled feelings of shame and relief, that an expedition commanded by Lord Delaware, the first formally appointed Governor of Virginia, was already entering the river. Lord Delaware had delayed his departure from England till Smith's report warned the Company of the situation of the colony, its need of reinforcement, its still greater need of a Governor who should unite the capacity to direct with the authority to ensure obedience. He brought with him a new body of emigrants and abundant supplies. He came to recruit and reinforce an existing and, as he might well suppose, advancing community. He found a deserted town of log huts,

abandoned fields, and three or four score despairing fugitives. This was the crisis of Virginian, perhaps of American colonisation. Another failure, and the country might have been abandoned to France or Holland. A man of weaker nature might have hesitated and been lost; a man of lesser rank might have failed to revive the courage of the runaways, or enforce the obedience of his followers. Lord Delaware was a man of no ordinary character, and possessed no ordinary advantages. His station and repute conferred upon him an authority even higher than that of his exalted office and commission. The Governor of Virginia was a much greater personage than a delegate like Smith or Gates; a Peer of England was something greater still. His presence was in itself the best encouragement, the strongest assurance of support, that England could have given to her expatriated children. A man of position so high, of years and character so grave, had not been asked or condescended to accept such a charge unless both he and his colleagues were resolved to carry the enterprise out in earnest, to succeed if success were possible. The meeting was hailed on both sides as a Providential interference, an unmistakable indication of the Divine will. Under such a leader the fugitives were ready to return, the new-comers eager to proceed, and on the same night the vessels anchored at Jamestown. The settlement was re-established, and Lord Delaware, profiting doubtless by Smith's experience, and strong in that personal authority which alone had been wanting to the skilful and resolute adventurer, was able to organise both its discipline and its industry upon an effective and satisfactory basis.

This was all he could do, but it was enough. His health speedily gave way, and his return to England might seem to set the seal upon a record of continuous and disheartening failure. The revulsion of feeling at home was such that for many years to come the theatres and the coffee-houses regarded Virginia as a topic of unmixed ridicule. But the Company persevered. Very soon after Lord Delaware's departure Sir Thomas Dale, sent in charge of supplies, assumed

the government. His first act was to represent to his employers at once the essential hopefulness of the enterprise and the hopelessness of carrying it to success with a few despondent and discontented men, the most experienced of whom had actually deserted less than a year before. But he assured them that Virginia was worth all, and more than all, she had cost. 'The four best kingdoms in Christendom put together' could not compare with her 'in natural resources.

Delaware and Gates enforced his representations. The Company acted with the energy which contrasts so strangely the feebleness of most American 'proprietors,' individual or associated. Dale's letter was sent in the middle of May 1610. On the last day of August the languid, disheartened settlers were terrified by the appearance of a fleet of six ships in their river. This was the last blow. The fleet must be Spanish, sent to exterminate the English plantation on a soil to which Spain had never relinquished her claims. Many, no doubt, were almost ready to exchange their hopeless exile even for a Spanish prison. None dreamed that Dale's letter could receive an answer, much less a full and sufficient compliance with its requirements, for weeks or months to come. Even the sight of St. George's Cross hardly reassured them; and it was with almost incredulous delight and gratitude that they witnessed the landing of Gates with three hundred emigrants, with abundant stores, and, best of all, with one hundred cattle.

From this point the future of the colony was firmly assured. Within a few days Dale founded the second plantation at Henrico, further up the James. Year after year, hundreds of emigrants arrived and spread themselves over the country at their discretion. Unlike her younger sisters in the north, Virginia was from the first an exclusively rural settlement. Her capital consisted of a State-house, a church, and some half-score dwellings. Her people were scattered thinly over the seaboard region. Those whom the Company had sent out and located were its servants or tenants, the former receiving wages and an allotment of three acres, the

latter paying rent in corn and labour. The Company owned the soil, the Indian titles being generally, if not in all cases, extinguished by purchase on terms which, though exceedingly easy to the purchaser, were, perhaps, a fair equivalent for that right of hunting which, with a few rudely cultivated acres of maize field, was all that the natives had to surrender. Many of the emigrants were men of means and position, who had brought servants with them. They received one hundred acres for each person brought out at their expense up to 1617, and fifty acres after that date. They could purchase as much as they chose at the rate of 12*l.* 10*s.* for each hundred acres, 'with a reserved claim to as much more.' Individual services were freely rewarded with larger grants, none of which was to exceed two thousand acres. Each considerable planter dwelt upon his own estate, with his family and the servants whose labour belonged to him for fixed periods, or until the cost of their passage was defrayed. As their terms expired, volunteers sent out on similar conditions, and convicts transported under obligation to serve for at least ten years, replaced them. At a later period a regular trade in such indented servants supplied the demand, and filled the purses of unscrupulous speculators at home. After the Restoration, the merchants of Bristol sent out no inconsiderable number of kidnapped waifs and strays; a practice which brought down upon the mayor and magistrates a sharp and well-deserved reprimand, in his own emphatic style, from Chief Justice Jeffreys.

The Company's Governor, though nominally absolute, could not, unsupported by a single soldier or paid constable, venture on measures oppressive or even odious to the colonists at large. But complaints were early made and readily heard. In 1619 Governor Yeardley, selected for his mild temper and popular character, was instructed to summon a representative assembly. Burgesses from eleven 'plantations' sat with the Governor and Council, and henceforth exercised full legislative and judicial powers. The first negro slaves were landed from a Dutch vessel in 1619; the first cotton crop was planted in

1621. But neither slavery nor cotton made much way in Virginia during the first half-century of her existence.

In March 1622 broke out the first Indian war, the one grave misfortune which befell the rising colony. The planters spreading at their will over the country, occupying everywhere the richer lands, especially along the rivers, that best suited the growth of tobacco, their staple crop and current money, ousted the natives—sometimes with little ceremony and scant compensation—even from their villages and maize fields. But they had been guilty of no serious cruelty, and entertained no fears. Unlike the settlers of New England, who were from the first distrustful of the natives, and prohibited under heavy penalties the sale of firearms or ammunition, the Virginians readily furnished fowling-pieces, powder and shot to the Indian hunters, who supplied them with furs and game. Their relations were amicable and advantageous to both. The weapons substituted for feeble bows and stone or horn-pointed arrows must have increased tenfold the produce of the chase, upon which the natives chiefly depended. But the Indians instinctively felt that the white men were crowding them out of their hunting-grounds, driving them, with the deer and other game, deeper into the wilderness and further ‘from the graves of their fathers.’ The occupation of a dozen square miles here and there along the course of a stream must have frightened away the larger wild animals wont to resort to its waters, and thus rendered an extensive country useless to the native hunters.

Shortly after Powhatan's death the rage and suspicion of the Indians broke out, as usual, in a sudden and savage attack. Conscious of no offence and taken wholly unawares, the scattered planters and their servants, assailed at one and the same moment throughout the extensive border regions, were massacred by scores. But the havoc ended with the surprise. As soon as the white men stood to their arms, the Indians realised their hopeless inferiority. Appalled by their own act, and the irreconcilable blood-feud which, according to the most sacred and universal of barbaric

traditions, they had incurred, they scattered and fled into the recesses of their forests, whither the colonists pursued them in vain. After the first surprise, there were few of those reciprocal atrocities which distinguished the later native wars of Canada and New England. The Indian villages were burned, their stores seized, their fields laid waste. The aggregate slaughter was doubtless considerable, but the power of the white man was asserted, the spirit of the feeble Indian tribes broken for ever, by a few vigorous but not very sanguinary blows.

Meanwhile the Company at home were entangled in political squabbles, which ended in the resumption of their patent. They had done their work. The colony was now self-dependent. Its trade yielded no extravagant profits. The privilege of administering to its needs and appointing its ruler was hardly worth keeping. On the other hand, the King showed no disposition to alter the policy or displace the agents of the Company. The natural alarm of the colonists was quieted by gracious promises loyally fulfilled. The royal Governors were invested only with the powers exercised by their predecessors. Colonial tobacco was protected by a heavy differential duty; and Virginia remained loyal, both to the Crown and to the Church long after both had been overthrown in the mother country. At home, Charles I. had been encountered at the outset with an unreasoning and irreconcilable hostility. How he would have governed a loyal and contented people, a Parliament willing to supply by new financial expedients the new needs of the State, he had no chance to show. To Virginia he was a considerate, just, forbearing, and eminently constitutional Sovereign.

In their only quarrel, the high-handed petulance of the colonists signally contrasted the patience and moderation of the Prince. That quarrel arose out of the abstract and untenable claims of Virginia over the territory beyond the Potomac, which, after the abrogation of the patent, had been granted to Lord Baltimore. She resented the tolerant policy of the King and his grantee, which made the province a

refuge for persecuted Roman Catholics and Dissenters alike. Governor Harvey reminded the malcontents that the patent under which they claimed had been annulled—that no Virginian settlements, save one small trading factory, existed in the disputed country—and upheld, as in duty bound, the royal grant. Hereupon the representative of the King was violently arrested and summarily shipped off to England. Nothing is more remarkable than the temper and dignity with which King Charles received so flagrant an affront. He heard the representatives of the rebellious colonists with candour and courtesy, passing over the lawless violence which had dis-entitled them to audience. Judgment was given against them—as it would be given unhesitatingly by the Privy Council of to-day—and then, and not till then, the King sent back the insulted Governor, with instructions which resulted in a complete amnesty and reconciliation.

His successor, Sir William Berkeley, ruled a contented and prosperous community throughout the period of the Civil War, undisturbed by the successive usurpations of the Rump and the Army. When the murder of Charles I. appalled the Royalist Colony, as it had revolted nine-tenths of his subjects at home, Virginia was quietly governed in the name of Charles II., until the despatch of a Parliamentary Commission, supported by a naval force, compelled her reluctantly to acknowledge the nominal supremacy of the Commonwealth, and to displace the royal Governor. The Navigation Act was the sole exercise of power on which either the Parliament or the Protector ventured; an Act spitefully enforced against Virginia alone of the Continental colonies. The instant that the overthrow of the Protectorate set her free, the real feeling of the Colony was plainly manifested. Sir William Berkeley was reinstated without opposition. According to Mr. Bancroft, the colonists had suffered no serious grievance or injustice during the Puritan tenure. Their own opinion was shown by the dismissal of the Councillors and assembly-men of that period, few of whom were afterwards re-elected. The Old Dominion, then a thriving community

of some 20,000 persons, was the last part of his dominions to abjure the sovereignty of the King, and the first to hail his restoration. In 1660 her population, recruited by many Royalist fugitives from party tyranny, amounted to 30,000; in 1688 it was estimated at no less than 50,000.

Maryland, the second of the Southern colonies, a few years younger than Massachusetts, is almost exactly coeval with Connecticut and Rhode Island. The first Lord Baltimore had received an extensive grant in Newfoundland, on which he had endeavoured to plant a colony. He had seemingly intended to make it his home, but was repelled by the ungenial climate. He obtained from the King, instead, a grant of the territory lying between the Potomac and the 40th parallel. This he called Maryland, after the English name of Henrietta Maria; a name now best remembered by the famous war-cry of Rupert's cavaliers, 'God and Queen Mary.' A Roman Catholic himself, Lord Baltimore intended the province as an asylum for his persecuted co-religionists; but absolute toleration was the fundamental principle of its constitution, and as hearty a welcome was given to English Churchmen, to Puritans rejected by Virginia, and, at a later period, to fugitives from Catholic persecution. The second Lord Baltimore established his first settlement in 1635, and in the town which bears his name Catholic influence was long preponderant, and its tradition still lingers. Annapolis was founded by Puritans, who enjoyed the undisturbed exercise of their religion and practical self-government. Under the mild supremacy of the proprietor, or, in the form of colonial usage, 'proprietary,' the feudal sovereign of the province, Maryland rapidly grew and prospered; till the disturbances at home, the victories of the Parliament, and finally the establishment of the Commonwealth, afforded his Puritan guests occasion to repay Lord Baltimore's generous hospitality. They rose in rebellion, murdered and persecuted Catholic and Protestant loyalists, and kept the province in anarchy and trouble till the restoration of the King restored the authority of his grantee. Lord Baltimore, with more prudence than justice, conceded a com-

plete amnesty. But his clemency was as ill-repaid as it had been ill-deserved; and the ringleaders, whose lives had been forfeited not only by treason but by cold-blooded murder, continued, at every promising opportunity, to dispute his claims and disturb the peace of the community.

With the sanction of Chief Justice Holt—a sanction irreconcilable with the lofty character ascribed to him by Macaulay—William III. confiscated in 1690 the rights of Lord Baltimore and his heirs; an injustice acknowledged and redressed in 1715. Save for this interruption, the family retained for several generations a feudal sovereignty which left to the provincial assembly all the powers of the English Parliament, and enjoyed a revenue which Maryland could well afford and could hardly grudge to her benefactors.

CHAPTER III.

NEW ENGLAND.

Puritan Exiles—The 'Mayflower'—Plymouth—Hardships, Quarrels, and Intolerance—Massachusetts—Rhode Island, Connecticut, and New Haven.

RALEIGH's colonial enterprises had been encouraged by a grant of proprietary rights as well as jurisdiction over the country he should occupy. The same principle was deliberately adopted when the colonisation of the North American territories became an object of national policy. We have seen those territories divided between two great associations, and followed the fortunes of the Virginian, Southern, or London Company to its end. The Western Company was less fortunate. After expending much trouble and money in exploring expeditions under Captain Smith and others, in attempts to assert its commercial monopoly and to plant settlements on its territory, wholly without success, it was superseded by a new organisation; 'the Council of Plymouth for New England,' of which, under royal patronage, Sir Ferdinand Gorges was the ruling spirit. That gentleman obtained a grant of the province of Maine, and strenuously exerted himself during the reigns of the First and Second Charles, to plant that territory and maintain his rights over the country and its occupants. Another adventurer, John Mason, made similar but less persistent, and even less successful efforts in New Hampshire. Various traders, seamen, and planters seem to have squatted individually at different points on the coast. But the first firm settlement was made by trespassers of a different stamp.

A little colony of English Puritans, belonging to that extreme sect which refused even outward conformity to the Anglican Church, with their pastor Robinson—one of the earliest

divines of that school to which the Independents or Congregationalists of later days trace their descent and their doctrines—had taken refuge in the Netherlands. The exiles found that they had purchased religious liberty by the total sacrifice of all else they cared for. Theological sympathy failed to reconcile them to a foreign race, land, and language. For their industry there was no fair scope among the skilled artisans and systematic farmers of Holland. Return to England seemed a more distant prospect than ever. The example of the Virginian colony, Anglican and Royalist as it was, might pass for a practical hint, if not a Providential indication. After considerable discussion and long negotiation, they formed a partnership with a number of London capitalists, whose Puritanic sympathies were quickened by those shrewd calculations of pecuniary gain which accord so ill with the principles, and so closely with the temper and practice of Puritanism. The latter kept a strict guard over any incautious excesses of the former. A patriotic desire to reconcile a return to their proper allegiance with the indulgence of their religious scruples, a loyal ambition to increase by their humble exertions the dominion of their natural Sovereign, were put in the foreground; their inability wholly to accept the forms of the Established worship was gently excused as a misfortune which, at so great a distance, might be mercifully overlooked; the breadth of their dissent was minimised; the antecedents and tenets of the emigrants slurred over or suppressed. Robinson's name was never mentioned, nor, indeed, was he ever allowed to join his banished flock.

Permission was at last obtained for certain specified persons and their associates to settle within the domain of the Virginian Company. After many delays and disappointments, the 'Mayflower,' with 102 emigrants on board, sailed from Holland to Plymouth, and took her final departure from that port in September 1620. Accident or deception took the settlers far to the north, thus invalidating the limited privilege they had obtained. They touched at Cape Cod; discovered and appropriated some buried stores of Indian corn; and, after exploring the neigh-

bouring coasts, at last fixed upon a well-watered and promising spot, on the shores of a bay to which they gave the name of the haven where they had taken a last leave of their native land. The day of their final landing was December 11, according to the old style, to which England then adhered. The difference of styles was then ten days, but as another day had been lost before the reformed calendar was accepted, the 22nd is observed, as the birthday of New England. Their annalist records with equal pride how strictly they kept the first Sabbath, and how diligently they profaned the ensuing Christmas Day. Their original destination may account for a choice of season so ill-suited to the climate of their new country. Fortunately the winter seems to have been unusually mild; 'as severe,' they wrote, 'as that of England.' But the sufferings and hardships they endured were cruel. Their stores were scanty; they had no fishing-tackle; and game at that season was not abundant. Their first care must necessarily be for shelter and fuel. They were glad to collect a supply of shell-fish, and returned especial thanks for the Indian hoards they had borrowed, and for which they scrupulously resolved to pay when they should find the owners.

Before the end of March, forty-four of their little company had succumbed to want and cold; exactly half the original number were living when they were joined in the next autumn by thirty new recruits. At one moment, those who retained health and vigour were barely able to nurse the sick and bury the dead. At another time and place such weakness might have tempted an Indian attack, which, even with firearms, swords, and pikes against clubs and stone arrow-heads, Miles Standish—a soldier of no very saintly character, who had joined them from pure admiring sympathy, and was accepted as their military head—could hardly have repelled. But that part of the country had been wasted not long before by a destructive pestilence. The native tribes in the neighbourhood were few, and exceptionally feeble. Massasoit, Sachem of the Pokanokets,¹ a starveling tribe in great dread of their braver

¹ Or Wampanoags.

neighbours to the southward, concluded an alliance with the settlers which remained unbroken till, some fifty years later, his son Philip was driven reluctantly to a war of despair. The kindness of the Indians helped the settlers through their first hard trials, furnished them with game and fish, taught them how to plant and manure maize, and endured even when—on pretext of one of those alleged ‘conspiracies’ which Indian informers out of greed or spite were always inventing, and which the fierce credulity and gloomy imagination of the Puritan too readily accepted—Miles Standish attacked a small party of natives, killed several, and hanged a prisoner in cold blood.

The progress of the settlement was very slow, though the characteristic stubborn resolve and iron endurance of Puritanism made it sure. The first division of land was made, the first considerable maize crop harvested, in 1623, when the colony may have had a hundred and fifty inhabitants. Next year, three heifers and a bull—a stingy contribution compared with the hundred cattle supplied to Virginia at an equally early stage—stocked the first collective farm of the infant colony. Twelve years after her foundation, the people of Plymouth hardly numbered five hundred. They were never on satisfactory terms with their home partners. Bradford, the second Governor—his predecessor, Carver, being among the victims of the first fearful winter—replied indignantly to the reproach that the ‘Mayflower’ on her return voyage brought no freight. There might be truth in the taunt that time was wasted in debates; but the appeal to the hardships and sufferings of the first months, the loss of lives more precious than the scanty equipment for which the settlers were indebted to their London friends, was unanswerable. The respective objects of the parties were incommensurable and incompatible; the partnership between religion and profit unworkable. The speculators wanted to establish a factory, the emigrants to found a theocratic State and Calvinistic Church, a New Jerusalem of strict Pharisaic type. The sleeping partners appealed to their money outlay, the Pilgrims to their sacrifices, labours, and

sufferings. The latter acknowledged their debt, and meant to pay it; they repudiated the right of control and interference attached to joint risks and a common enterprise. Few of them had paid their passage. They had depended for some years on the vessels and cargoes sent out by the London adventurers, and this obligation made them the servants of the Company.

As they began, however humbly, to prosper, as the few independent men among them gained means and confidence, they became yet more impatient of the yoke. At last some of the richest settlers agreed to take upon themselves, for a monopoly of the Indian trade and the surrender of the accumulated wealth of the colony, its debt to the capitalists. The partnership was dissolved, and the settlers were free to choose their associates and shape their polity without rebuke or remonstrance from home. It would be easier to sympathise with their aspirations, had they who had held their own claims of conscience so high shown the slightest respect for the consciences of others; or had the wisdom of the serpent been a less prominent feature in their character. The latter was almost the only principle for which their religion, their morality, or their social system was indebted to the New Testament. Their dealings with partners and companions, with the Indians, hostile or friendly, with the English Government and with obnoxious neighbours, their laws and practice, suggest an exclusive study of the Old, and often of acts surely recorded rather as warnings than examples. While bound to their English partners, they would allow those partners to know only what they chose to tell. Like too many professors of a higher morality, they were capable of acts from which a sense of honour or common honesty restrains the merest worldling. To differ from them, to give an independent report of their conduct to the associates whose fortunes were staked thereon, was a heinous sin as well as a punishable crime. Bradford and some of his successors did not scruple, by force or fraud, to open, copy, or intercept private letters, and to make the stolen information the ground of public prosecutions. Squatters under a questionable grant, obtained

after the fact from the Council of Plymouth (the legal successors of the Western Company), they presumed to warn off, to harass and drive away other settlers whose right was exactly the same, but whose conduct did not square with their notions of godliness. They were persecutors on principle. Assuming a jurisdiction which had not been conferred on them, they strained it to ends beyond the sphere of civil power, to persons exempt from their authority, and objects antagonistic to the laws by which as British subjects they were bound, and which they had expressly or by implication pledged themselves to respect. They would not even tolerate the worship of the Church of whose intolerance they complained; their dissent from which—till they had got all they could out of her head and her members—they studiously minimised. Mr. Palfrey and their other apologists carefully evade the fact that it was only by concealing and even denying their real intentions that they obtained permission to settle on English territory; that their policy was a systematic violation of the conditions formally or implicitly attached to that permission.

The prosperity of the colonists depended largely on the market created by the neighbourhood of the Newfoundland fisheries. At first the fishing vessels bought their corn and vegetables at a high price; at a later stage, not many years after the foundation of Massachusetts, the fisheries themselves fell mainly into their hands. Vessels built at Boston and Plymouth of the splendid timber supplied by the primitive forests, owned by colonial traders, manned by seamen settled or domiciled on the coast, brought in vast supplies of cod, herrings, and pickerel, which were cured for the English market; and the figure of a codfish hung over the Speaker's chair reminded—perhaps still reminds—the legislators of Massachusetts of the real origin of her importance and prosperity.

The position of Plymouth in American history is wholly misconceived, not only in England but in the States. In popular tradition, in patriotic poetry, in Fourth of July orations and Thanksgiving sermons, her fame is at once absurdly

exaggerated, and misappropriated in a manner which curiously illustrates alike her moral importance and her political insignificance. The 'Mayflower' is the Ark of New England, the Pilgrim Fathers are canonised by local and national tradition, like the Hero-Founders (Ἡρώδεις) of Hellenic cities, the wolf-suckled Twins of Rome; but they are assigned to a colony with which they had no connection. Massachusetts has no more right in them, no more share in their honours, than England in Wallace or Montrose, Scotland in the Plantagenets, or Lorraine in St. Louis. Of all New England states or colonies extant or extinct, Plymouth had least to do with the neighbour who has absorbed both her territory and her fame.* Her founders were poor, unworldly, ignorant and simple folk, trespassers long unknown or ignored, and to the last contemptuously tolerated, by the Court and Government of England.

The Company which in 1628 obtained, through arts whose exact nature it is not easy to trace, an extravagantly liberal charter and extensive territory running inland from Massachusetts Bay, was founded by gentlemen of rank and fortune, patronised by the chiefs of the Puritan nobility, abundantly provided with all the resources so signally lacking to their predecessors. They had wealth and influence, and were shrewd and well-advised in the use of their advantages. They did not hesitate to profess a strong attachment to the Church of England, or to accept conditions which were never observed when once the charter was safe beyond the seas.² They had no part in the hardships and sufferings, the stern perseverance and heroic endurance, that cast a halo of romance around the memory of those who first 'moored their barge on the wild New England shore.' Their charter—probably drawn up in the first instance by some skilled lawyer of their number or in their employ, and adroitly worded so as to convey privileges which the Crown was most unlikely to have willingly granted, was apparently passed either by some sympathiser in high place, or by means equally familiar to the courtiers of James I.

* See their petitions, charter, and other documents quoted in Palfrey's account of their earlier operations.

and Charles II.³ But one condition which, if loyally observed, would have defeated their worst and most cherished purposes, restrained their policy of civil and religious exclusion, the founders were compelled to insert. They were to make no laws repugnant to those of England. Such laws were not only null and void, exposing those who enforced them to civil damages and criminal penalties, but involved a forfeiture of the wide and otherwise unlimited powers bestowed by the charter. Endicott, placed in charge of the Company's first establishment at Salem, in 1628, instantly perilled their privileges by an act of characteristic intolerance. It must be remembered that he and his associates went out as Churchmen.⁴ Almost their first act was to organise a schismatic and separatist 'church,' with forms as offensive as possible to sincere Anglicans.

Two brothers presumed to gather a small congregation for worship according to the Book of Common Prayer. Endicott seized and shipped them back to England. The Company sent him a formal reprimand, obviously intended to encourage him in his illegal courses, while enabling them, if called to account, to disavow his acts. At this time a number of individual adventurers, trespassers in law like the Plymouth Company, were settled along the coast of New England. As matter of clear right and express compact, these old planters were entitled to be accepted as members of the Company, of course without resigning any religious or civil right they already possessed. To all these, if to no others, Endicott's conduct was a palpable injustice.

The next step taken by the Company argued a determination to strain the purport of its charter to the utmost. It proceeded to transfer itself, its organisation, its government, and the document on which it rested bodily to its Trans-

³ Palfrey, i. chap. viii. Bancroft, Part I. c. 13, is studiously evasive, but no one can dream that the government he there describes was knowingly sanctioned by Charles I.

⁴ Belonging to the great conforming majority of Puritans; what we should call ultra-Evangelicals, or Low Churchmen. 'We esteem it our honour to call the Church of England, from whence we rise, our dear mother' was the well-considered language of their formal farewell address.—Palfrey, i. 312,

atlantic domains. In 1630 a fleet carrying some thousand fresh emigrants, commanded by Winthrop—with whom were associated several gentlemen of equal birth and still higher connections, among them two sons-in-law of the Earl of Lincoln—sailed for and took possession of the shores of Massachusetts Bay. This expedition founded several plantations, or, as they were called almost from the first, 'towns,' at various prominent points. The colonists spread rapidly into the interior. In the first six years, while their numbers had been vastly swollen, their settlements had been pushed twenty or thirty miles inland. In another year or two swarms cast off from the main hive, dissatisfied adventurers, fugitives from persecution, or political malcontents, had founded new and independent colonies to the southward. Rhode Island and Providence Plantations on Narragansett Bay, the refuge of the Liberals, occupied the eastern, Connecticut and New Haven, the resort of dissatisfied fanatics, the western portion of the southern seaboard. In the meantime thousands of fresh emigrants from England had enlarged the mother colony, and planted a number of new settlements. Some of them, on Long Island, on the coast, and on the banks of the Connecticut, brought the English colonies in direct contact with those of Holland.

The emigration was checked by the meeting of the Long Parliament, the political contest and the Great Rebellion which followed. The same motives which, from 1628 to 1640, had induced the more ardent Puritans to seek in New England liberty of conscience for themselves, and, yet more eagerly, freedom to trample on the consciences of others, now kept them at home to participate in a struggle for the same ends; a struggle which resulted in the temporary establishment of a tyranny, religious and political, incomparably more severe and searching than his worst foes ever attributed to the Royal Martyr. A few of the fiercer spirits among the colonists returned home, to rise to high command in Cromwell's army, to support his usurpation, and bear a part in some of his worst or most questionable measures.

CHAPTER IV.

UNDER THE STUARTS.

England's Weakness New England's Opportunity—Colonial Polity, Civil and Ecclesiastical—Systematic Persecution.

To the disturbances at home the colonial rulers owed the undisturbed development of a polity alike in principle and practice repugnant to the laws of England. That polity, substantially identical in all the Puritan colonies, was based on a religious oligarchy of the strictest sort. Massachusetts admitted at first a few score 'old planters' to her franchise, but, as soon as she became conscious of her strength, confined the privileges of citizenship, civil and political, exclusively to 'Church members,' *i.e.* initiated Independents. Plymouth and New Haven avowedly, Connecticut practically, followed the same rule. The freedom of the Colony was granted only by the General Court. That body was originally a general assembly of the freemen; as the development and dispersal of the settlements rendered such an assembly impossible, two deputies from each township were associated with the Magistrates or Assistants. Candidates for the franchise were recommended by the several Churches, and their recommendation was legally limited to those on whom the full privilege of Church-membership had been bestowed. A town in New England meant from the first not a city or village, but a plantation occupying a defined territory and invested with privileges of self-government more or less ample, according to the circumstances of the colony; larger in Connecticut and New Haven—created by the aggregation of independent settlements—than in Massachusetts or Plymouth, where the several settlements were founded by permission of the central authority; largest of all in Rhode

Island and Providence Plantation, where fugitives from the severe religious, political, and social organisation of the elder colonies had taken refuge, and where for nearly a generation no strong or settled government seems to have been established.

Except in the last-named Colony, Church-membership was granted by a vote of the Church upon a public narration of personal religious experiences; such as, even in those days, only a hypocrite or a fanatic well could or would give. The freemen; therefore, especially in Massachusetts, were a small minority. Throughout the history of the contests between the Home and Colonial authorities prior to 1688, it must be borne in mind that the latter represented a narrow and bigoted oligarchy. All men of moderate opinions, all men indifferent to questions of dogmatic theology, all who regarded spiritual experiences as matters too sacred and personal for public discussion, were ruthlessly disfranchised. Ordinary executive functions were vested in the Governor, Deputy-Governor, and the body of Magistrates or Assistants, who also exercised judicial authority. But ultimate executive and judicial as well as legislative supremacy resided in the General Courts; wherein the Assistants at first claimed a collective veto, and afterwards sat as a separate Upper Chamber. Chosen by the votes of the freemen, the Magistrates, except in Rhode Island, generally retained their authority for life. One who offended his constituents, generally by opposition to some act of tyranny or persecution, was liable to be dropped for a year or two from the list, but was almost invariably reinstated. The freemen of Massachusetts were exceptionally jealous of any personal or official claim that might seem to conflict with their absolute supremacy, and careful by frequent changes in the highest office to assert in practice the doctrine that the Governor and Assistants held their places only by annual election. But Winthrop was thrice Governor for several years together, and, whether as Governor, Deputy-Governor, or simple Assistant, practically directed during his life the policy and administration of the Colony. Bradford held a yet more permanent official, if not a higher personal authority in Plymouth. Even

in New Haven and Connecticut the same names appear, year after year, in one or other of the highest offices.

Boastful of their political theories, the colonists were jealously intolerant of what we call personal freedom. This jealousy was too strong even for their religious tenets. The fundamental principle of their creed was the absolute independence of each individual congregation; but this independence was constantly invaded by the General Court or by the ministers and Churches in their collective capacity. No Church could be founded without the permission of the Government. The right of each Church to choose its minister was a dogma of Independent theology at least as prominent and essential as the Atonement or the Trinity. But again and again that right was infringed with a high hand. Churches were excommunicated and towns disfranchised for persisting in a choice against which their neighbours or the General Court had pronounced. Of freedom of speech the colonists of New England enjoyed less than at home under the rule of Laud or Strafford. Men were flogged, fined, and mutilated for presuming to criticise the action of magistrates, the policy of the Government, or the conduct and doctrine of particular Churches.

In treating the petition of the Seven Bishops as a libel, James II. outdid the most violent measures of the Star Chamber or the High Commission. None of his acts was more clearly illegal, none more intensely unpopular; none perhaps contributed more to his final overthrow. That outrage on civil liberty on which the most despotic of the Stuarts ventured but once, and which offended English tradition, law, and feeling more than the Declaration of Indulgence itself, was part of the ordinary course of administration in Massachusetts. Any petition offensive to the majority of the General Court was treated as a criminal offence. Again and again petitioners were subjected to heavy and, considering the local value of money, almost ruinous fines for presuming to question, in the most modest of all constitutional forms, the measures of the Government. Appeals to England, whether to the King or the

Commonwealth, were not merely rejected with disdain, but punished with as much severity as, in the circumstances of each case, the colonial authorities dared employ. The shrewdest of the latter was evidently conscious of the illegality of their proceedings. As early as 1638 an investigation, which must have resulted in the forfeiture of the charter, had been threatened, and prevented only by the ensuing troubles at home. Some years later Governor Winthrop put in a plea so fine-drawn, a distinction so subtle, that it virtually amounts to confession. Not arguing before an English Court, but opposing the demand of the colonial freemen for a written code, he insisted on the obvious certainty that such a code as the Colony would accept must be repugnant to English law. Repugnant customs, he urged, did not, as repugnant statutes clearly would, involve a forfeiture. But customs recognised by the Legislature and enforced by the Courts are laws; and the plea therefore admits that the laws of Massachusetts—laws made if not written, enacted if not codified, by the chartered power—were incompatible with the chartered limitations. No Court of Law could have recognised Governor Winthrop's distinction, or refrained from pronouncing that, even when it was first challenged, the whole religious and civil system of the Colony was, in general and in detail, in act and in intention, utterly repugnant to the political, civil, and ecclesiastical laws of the mother country. The disfranchisement of Churchmen, the prohibition of Anglican worship, would have sufficed to forfeit the charter, as they suffice to show the utter absurdity of the still received idea that the expatriated Puritans

- Left unstained what there they found,
Freedom to worship God.

Exclusion, persecution, inquisitorial, spiritual, and civil despotism were the very essence of their system, the first principles of their theory and practice.

Mr. Palfrey's far-fetched apology¹ is open to two fatal exceptions. It is too subtle and ingenious to be true: it

¹ I. p. 300 *et seq.*

proves too much to prove anything. If good for Winthrop and Bradford, Endicott and Winslow, it holds good for Laud and Strafford, Philip II. and Louis XIV. The partisan historian of New England is driven to affirm that wherever the co-existence of two parties is practically impossible—where they will not agree to differ—that which has the upper hand for the moment is justified in anticipating its overthrow by the suppression or expulsion of dangerous adversaries. That the liberties of Puritan Massachusetts were endangered by the presence of Episcopalian, Baptist, or Quaker congregations may be a tenable, but it is hardly a self-evident or even a plausible proposition. That the Church and Crown of England were in danger from the Puritans events amply proved. If danger justifies persecution, Strafford and Laud were culpably lax; a 'thorough' policy would on Puritan principles have doomed to banishment and confiscation the whole body of English Puritans.

Roger Williams, the chosen pastor of the Church at Salem, for certain extreme views on the subject of communion with offending Churches, was hunted into the woods, threatened with transportation, and finally driven to seek a refuge on the southern seaboard, where he founded the settlement of Rhode Island. Some years later, Ann Hutchinson and her adherents—though patronised by Vane (afterwards Sir Harry Vane), then, in his twenty-fourth year, Governor of Massachusetts, and many of its foremost citizens—were imprisoned, fined, and banished on pain of death. Several Baptists—among them Clarke, one of the most distinguished citizens of New England, and, next to Williams, the principal founder of Rhode Island—were imprisoned, fined, and some of them fined, for meeting in a friend's house for private worship. Among a dozen capital crimes recognised by the codes of nearly all the Puritan Colonies were idolatry (*i.e.* Roman Catholic worship), blasphemy (including any utterance which the magistrates chose to regard as blasphemous or outrageously heretical), and witchcraft. Treason was so defined that loyalty to the King, defence of his rights against

colonial encroachments, resistance to the usurped authority of Massachusetts in the territories of New Hampshire and Maine and other districts, over which that Colony from time to time pretended to a power not granted by its charter, were punishable with death; while treason to the Crown or Commonwealth of England entailed no penalty whatever. Heresy of every kind, if not more severely punished, was hunted out far more vexatiously and ruthlessly than in the mother country. In a word, freedom, civil or religious, was the last thing that the colonists of Massachusetts intended to endure. Burglary, on the other hand, unless committed on the 'sabbath,' was punishable on a first conviction only by branding. The laws of Plymouth, Connecticut, New Haven, and Massachusetts were essentially identical.

In the time of the Commonwealth and after the Restoration, the Quakers were the chief objects of persecution, and were treated with a sanguinary cruelty far exceeding what they suffered in England; far worse, to do her justice, than the severities inflicted by Massachusetts upon Baptists, Familists, and Antinomians. Before a single disciple of George Fox had appeared in the Puritan Colonies, Massachusetts had passed a law for their banishment on pain of death, prefaced by a preamble the most extraordinary, perhaps, ever placed on a statute book; a violent libel, a passionate invective, in which every rumour, slander, and invention injurious to the Quaker character was set down as matter of notoriety, and as justifying the threatened severities. The first-comers were seized and imprisoned on landing; the shipmasters who brought them were bound over under heavy penalties to carry them back to England. Some brethren were 'moved by the spirit' to defy the law, to vindicate by their martyrdom the freedom of conscience which they, almost alone among Christian sects, then maintained. They landed, were imprisoned, scourged, and banished. They reappeared, and were offered their lives if they would depart under a promise never to return. The promise was refused; but Mary Dyer, the wife of the Secretary of Rhode Island Colony, 'found liberty' to depart. Her more

courageous associates stayed and were hanged. She herself presently returned, preferring the same fate to the reproaches of her conscience, and perished on the scaffold.

Endicott, now Governor, and his fellow-magistrates were frantic at the disrespect with which they were treated. The language of the intruders was moderate indeed compared with that in which the Puritans had reviled their King; decent, if judged by that employed towards the Quakers from the Bench and in the Statute Book. But Endicott, Leverett, Davenport and their associates had been accustomed to avenge irreverent criticism by fines and whipping; had banished and ruined devout Christians for suggesting that certain ministers preached a 'covenant of works.' Such reproaches as Whit-tier quotes—well-deserved charges of enmity to the Spirit, of smiting the meek, and prayers that the Lord might rebuke them—drove them beside themselves with outraged pride.

On the last capital trial of a Quaker, who had enraged the judges by 'warning them that they shed no more innocent blood,' there was an unprecedented division among the Magistrates. Governor Endicott lost dignity and decorum in his rage. He flung 'something' fiercely on the table, and exclaimed, 'I could find it in my heart to go home [to England]. You who will not consent, record it. Thank God, I am not afraid to give judgment.' But even Endicott, the first founder, and next to Winthrop the arch-hero of Puritan Massachusetts, raged and scolded in vain. The freemen were willing and even glad to fine, to banish, to scourge, as mercilessly as he pleased, both men and women, reverend elders and young maidens; but, even to satisfy Endicott's fiery zeal, they would take no more innocent lives. Every other kind of severity was tried, with no other effect than to exhibit the brutality of the persecutors, the martyr-spirit and, it must be added, the perversity of their victims. With those who had defied death, no minor penalties, however cruel, were likely to prevail; and this the Puritans of that age, if any men, might have known from their own recent history. But their utter lack of humour, the refracting medium of mis-

applied Scripture and spiritual pride through which they regarded all theological and political controversies, blinded them to the obvious analogy.

Many of the most earnest and devoted preachers of Quakerism had been Puritan captains, distinguished alike for courage and enthusiasm. The violent contrast upon a single point between the fierce Cromwellian soldier and the conscientious non-resistant, and the appeal to the spirit rather than to the Bible, obscured the close resemblance in temper and character between the old and new schismatics. The persecutor and the victim were, though in different degrees, fanatics of the same type; impenetrable to common-sense, absolutely self-confident, hardened by immovable bigotry to inflict or endure. Both were deeply tainted with a religious insanity which, if its Puritan aspect were incomparably more gloomy, fierce, and hateful, assumed in the Quaker a more glaring and startling extravagance. Our lax modern discipline would find some excuse for the personal correction of young ladies who appeared naked in the churches; and if Puritan legislation had been directed by practical common-sense, if the Quakers had been punished not for their religion but for their follies, victory and the sympathy of posterity might have gone with the stronger side. As it is, the savage cruelties inflicted upon unoffending and unresisting people, simply for an over-literal construction of New Testament teaching, have left a dark indelible blot on the fame of Massachusetts, her rulers, and her people. Only four or five lives were taken, but the number who were mercilessly scourged, mutilated, fined, banished, imprisoned, was very large.

Apart from the establishment of the theocratic polity, and those sectarian squabbles which seem to have occupied the first place in the attention alike of the Churches and the General Courts, the history of New England down to the Restoration was marked by few important incidents. By far the most momentous of these was the establishment of a league or confederacy, including the four Puritan Colonies of Ply-

mouth, Massachusetts, Connecticut, and New Haven. This Confederacy was engaged in frequent quarrels with the Dutch Government of New Netherland, whose seat was at New York, then called New Amsterdam. In these disputes, Stuyvesant, the strongest and most spirited of Dutch rulers, was hampered by a sense of practical helplessness; the Confederate Colonies asserted their claims with all the insolence of conscious strength.

The first Indian war of New England arose out of those mutual outrages which are sure to occur when lawless adventurers are brought into contact with high-spirited savages. Two or three Englishmen of bad character had been killed by the Pequots. The colonists had every reason, from their knowledge of the victims, to believe them the first offenders. But if they meant to deal temperately or fairly, they should have chosen another agent. Endicott, the fiercest and worst-tempered of their leaders, was sent with a considerable force to enquire and negotiate. He began by a savage attack on a community whose connection with the outrages was at least doubtful, and precipitated a war which it was the obvious interest of his employers to avoid. The danger was, in their own opinion, extreme. The Pequots were no match for a single colony, much less for the Confederacy; but had they been joined by other tribes, and especially by the powerful Narragansetts, the subsequent story of that which is known as 'King Philip's war' renders it probable that the infant Colonies would have been worsted and perhaps extirpated.

Massachusetts flung herself on the mercy of her most illustrious victim. The heretics of Rhode Island, like the loyalists of Maine and New Hampshire, had been excluded from the Confederacy which now invoked the intercession of Roger Williams. He, by his efforts for their conversion, by his kindly intercourse with them, above all by his just and righteous dealings, had won the affection and confidence of the natives. His whole influence was used, with splendid generosity, on behalf of his persecutors; and the Narragan-

setts, Nyantics, and Nipmucks were induced to promise and observe a neutrality of which they had ere long bitter reason to repent. The Mohicans and a few volunteers from other tribes actually supported the white men. Thus overmatched, the Pequots were utterly defeated and crushed. The warriors of the tribe were exterminated, its women and children sold into slavery.

The New England colonists sympathised of course with the Parliament as against the King; with Cromwell, the champion of the Independents, as against the Parliament and the Presbyterian party. The local leaders shrewdly availed themselves of the weakness of a Government which—holding down three kingdoms by force of arms, intensely hated by all three, without a party outside its camps, and waging war with the greatest of England's maritime rivals—could not afford to alienate, much less to coerce, a power so formidable on the spot as that of the four Confederate Colonies. Cromwell's invitation to the colonists to occupy first the desolated provinces of Ireland, next the conquered island of Jamaica, were civilly evaded rather than rejected. The Navigation Act, harshly pressed against Virginia, was allowed to remain a dead letter in New England. Plymouth, always eager for the legal recognition she never obtained, Connecticut and New Haven, doubtful of their title as settlers on land assigned by patent to a few powerful Puritan nobles, courted the Protector's Government; Massachusetts, desiring only to be let alone, maintained an independence which, as things afterwards turned out, doubtless tended much to her advantage.

The Restoration confounded the politics of the Four Colonies. They one and all cringed and fawned upon the King by letter, while employing every form of evasion and delay to avoid the recognition of his authority, the respect which, sooner or later, he was sure to exact for the forms and principles of English law. Peters, one of the first regicides who atoned their crime upon the scaffold, had been a favourite colonial preacher. Two of his accomplices, Gough and Whalley, fled to New England, and were received with ostentatious honour. Whatever

may be thought of mere rebels like Pym and Vane, by every law, human and divine, by the law of England, by the law of war, by the law of nations, by the law of nature and of retribution, the regicides had deserved death. They had received no commission from any legal or quasi-legal authority. The Judges, the House of Lords, the majority of the House of Commons and the nation had rejected with horror and indignation the proposal to bring the King to trial. The so-called Court, consisting partly of mere ruffians, partly of fanatical enthusiasts, derived its authority from Cromwell and his army alone; and nearly half of Cromwell's nominees refused to share his responsibility. The only charge seriously pressed against the King was that of bearing arms against the Parliament. Many of the foremost men in England had been judicially murdered, like Montrose, Hamilton, and Derby, for the same offence.

Such lenity as that of Charles II. and his Royalist Parliament has never, till our time, been shown to conquered rebels; much less to rebels whose hands were red with loyal blood shed when resistance was over. All, save a very few leading offenders and the actual murderers of the King, were amnestied. The worst of all received only the measure they had meted to their illustrious victims; nor is it easy to see on what ground any who did not sympathise with their crime could desire the escape of a regicide. By the ovation accorded to Gough and Whalley, the rulers of Massachusetts associated themselves with a crime which no man not blinded by party passion now excuses; which the greater part of the English people then regarded as next in atrocity to that of Judas and Pilate.² They offered a pointed insult to their restored Sovereign. But with this they were not satisfied. As soon as the King demanded the surrender of the criminals, they hastened to deprive themselves of the respect that sincere fanaticism or avowed partisan sympathy would have deserved. They professed a profound abhorrence of the deed and the doers, a loyal eagerness to co-operate in their capture, while employing every art to baffle the agents of justice. Leete,

² See Macaulay, *History*, cap. xv. Works, iii. p. 200.

the Governor of New Haven, and Davenport, the favourite preacher of that Colony and afterwards of Massachusetts, stooped lower yet. They professed their loyalty in earnest and even abject terms; they denounced the fugitives, and affected the utmost zeal in furthering the pursuit while delaying it by deliberate falsehoods and barefaced pretexts. While they plunged from lie to lie, the criminals were actually hidden in Davenport's house, with the connivance of the Governor. 'It was the sabbath,' or it was not Court day, or he had 'a tender conscience (!)' and by his agency the culprits he had sworn if possible to secure at last escaped. In Puritan as in Jesuit casuistry the end—the interests of a church, a sect, or a party—justified the means. They dishonoured themselves to little purpose. The murderers were not caught, but Leete was accused to his face by the royal messengers, and conscious of guilt, and trembling at the thoughts of probable punishment, he hastened to excuse himself to the Court, and entreat the intercession of influential Whig nobles, in language circumstantially false as it was unworthy and undignified. He was spared, probably in contempt, at the expense of his Colony. His disgrace was complete when he, who had sacrificed every obligation of honour and honesty to the 'good old cause,' betrayed that cause to his personal safety. Tonguetied by the pusillanimous thought that he held life and property by the royal sufferance, he sat in craven silence while the liberties of New Haven were confiscated, and dared hardly speak word or wag finger in defence of his trust.

All the minor Colonies were eager to obtain from the restored Sovereign the chartered rights they had failed to win either from his father or from the Commonwealth. Plymouth was disappointed. To the last, the eldest and most estimable of the New England Colonies remained in law a body of tolerated squatters. Clarke on behalf of Rhode Island, and the younger John Winthrop as the agent of Connecticut, were more fortunate. The Home Government had but a dim and confused idea of American geography, and the boundaries awarded by the two charters were the subject of long and bitter disputes.

But Winthrop obtained for Connecticut an advantage as signal as it was dishonourable. Like his father a cultured and polished gentleman, unlike his father a graceful and willing courtier, he won high favour with the English Government, and especially with Lord Clarendon. The charter granted to Connecticut extended her jurisdiction westward to the borders of New Netherland, at the expense of a faithful, intimate, and equal ally. By its terms—terms of which Winthrop had the grace to seem ashamed—the annexation of New Haven doubled the population and territory of the sister province. Led by Davenport, feebly if at all defended by Leete, emphatically supported by Massachusetts and less resolutely by Plymouth, New Haven opposed a dignified protest and a long passive resistance to this usurpation. Her resentment was directed less against the King, or even against the negotiator who had stolen her rights without pretext or notice, than against the sister Colony whose Government and General Court pressed home its claim without scruple or consideration. The tone and action of Connecticut were as peremptory, summary, and offensive as might have been expected from the double consciousness of a hopelessly bad cause and an impregnable position. She declined to argue or conciliate, and New Haven at last rather ceased to resist than rendered a reluctant and silent submission. The extinction of her separate existence involved no loss of political freedom, no injury to her practical interest, nor did she seize the opportunity afforded by the Revolution to reclaim her independence. This measure gave a death-blow to the Confederacy, which, though nominally renewed, was for the future practically inoperative.

The connecting thread of New England's history for the period between the Restoration and the Revolution is found in the protracted struggle of Massachusetts to retain her chartered and her assumed privileges. The story is one of alternate defiance and evasion on her part, as the King's Government seemed strong in Parliamentary support, or weakened by discontent at home or by foreign war. On one occasion the colonists threw out hints of a possible transfer of their

allegiance to the United Provinces, whose flag then waved over New Amsterdam. Long forbearance and patient investigation on the King's side were followed by decided measures only when, after twenty years of alternate delay and disobedience, the disaffection of the Colonial Government, the affronts offered to Church and Crown, the resolute disregard of the limits and conditions of the charter made further indulgence seem sheer weakness. Plymouth, ever hankering after legal recognition; Connecticut, well content with her liberal charter; Rhode Island, justly grateful to the King and as justly resentful of the systematic rudeness and wrong suffered at the hands of Massachusetts—the feeble colonies of Maine and New Hampshire, which the latter had, sometimes by force, sometimes by fraud, annexed or subjugated, and which looked to their proprietors and the Court for protection—were indifferent or unfriendly. Royal Commissioners sent out in 1664 to enquire into the course of Colonial administration—to ascertain how far the charter had been observed—were defied and insulted.

Individual acts of theirs might or might not be legal. To dispute the original authority of the Commission was to dispute the existence of conditions, to treat the charter as a surrender of sovereignty; for, though forfeiture could only be enforced through the Courts of Justice, it was the right and duty of the Crown to ascertain whether there were *prima facie* reason for such extreme procedure, for rebuke and warning, or for any intermediate course. A denial of that right was incompatible with the status of the Colony as a chartered English corporation and a dependency of the Crown. True that Massachusetts had never till the Revolution, save under duress, recognised the limitations of that status; that, as far as she dared, she had evaded, minimised, nullified, and ignored her dependence on the mother country; but she had been careful never to push matters to an issue, never so to assert independence as to force either King or Parliament to render her dependence effectual. Between that extreme and hazardous assertion and the position she now assumed, there was but a formal and nominal distinction. She chose to play double or

quits, and with a weak hand. The other Colonies had treated the royal mandate, and the officers who bore it, with a loyal respect which emphasised by contrast the stubborn and provocative bearing of Massachusetts. But the latter relied on the troubles which embarrassed the Crown, on the Dutch war, the Popish plot, and the Exclusion Bill, on the protection of powerful friends, and the reluctance of the Home Government to proceed to extremities. For twenty years longer she paltered with the King, and set at nought the authority of Parliament. The Navigation law was systematically evaded through the very acts by which the Colonial Government pretended to give it effect. Edward Randolph, sent out as the agent of the Crown, invested with authority to enforce the law, was baffled, thwarted, and threatened with ruinous lawsuits, imprisonment, and even with death under the Colonial treason-code. Charged with a royal letter to the Governor and Assistants, he had occasion to learn, by a signal instance, what colonial professions of loyalty were worth. Introduced to the Court, he delivered their Sovereign's missive. As it was read, the loyal gentlemen present uncovered; the Governor and the majority of the Assistants put on their hats with ostentatious disrespect.³

³ Palfrey, iii. 285.

CHAPTER V.

KING PHILIP'S WAR.

Treatment of the Pokanokets—Treaty of Extradition and Quarrel with the Narragansetts—Mismanagement, Cruelty, and Treachery of the Colonists: their sufferings, their victory and its abuse.

Down to 1675 the patience of the King, the prudence or indifference of his ministry, encouraged Massachusetts in a course of more or less open defiance. Royal reproofs and reclamations, summonses to send authorised agents to explain their conduct, demands for the observance of Acts of Parliament, of the spirit and letter of the charter, for the enfranchisement and equal treatment of Churchmen, were met with determined refusal or disrespectful evasion. In that year the Colonies reaped the fruits of a Puritan foreign policy—a scheme of public law based on the Books of Joshua and Judges. They had professed, and in cases of private wrong sometimes endeavoured, to protect the natives. They punished gross wrongs done by individuals to Sachems, tribes, or villages; but they assumed the right to punish Indian offenders in their turn. By a series of gradual usurpations they had reduced independent and equal neighbours, intensely jealous of control or interference, to the position of vassals or tributaries; had degraded, affronted and harassed, if not actually robbed or oppressed them. Of this highhanded and unrighteous policy they now felt the inevitable result in the most terrible calamity recorded in the colonial annals of New England; a calamity which the generation that endured it never forgot, and never perhaps wholly recovered; whose ultimate consequences paralysed the resistance of Massachusetts to the royal authority.

The Colony of Plymouth was as deeply indebted to the Pokanoket tribe¹ and its Sachem Massasoit as one community can well be to another. Massasoit's friendship had sheltered its feeble infancy; his help had saved its people from perishing by starvation. He was their equal ally by a treaty which he and his people had faithfully observed for fifty years; in spite of which, by purchase or encroachment, the colonists had appropriated a great part of his territory, broken up the settlements of the tribe, and driven them, by a studied policy, into isolated positions, affording neither military security nor convenient hunting-grounds. Still the veteran chief kept the peace, and his son and successor Philip for many years endured, with a patience equally politic and pathetic, the growing pretensions and repeated interferences by which his rights were invaded, his authority shattered, his independence and dignity outraged. Again and again he was summoned, not as the independent Prince he was, but as a subject or tributary vassal, before the Magistrates of Plymouth, to answer every frivolous complaint, every futile story, which 'praying Indians' or disloyal Pokanokets found it profitable to invent. At last a certain 'Christian Indian' spy and traitor charged Philip, not for the first time, with conspiring to form an Indian league against the English. That the charge was certainly untrue is an essential part of Mr. Palfrey's invective against its victim.² Its falsehood should have been obvious even to Puritan prejudice, for Philip had surrendered, just previous to this accusation, the main part of his 'English' weapons—that is, the guns and ammunition without which war was practically impossible. The informer relied on the protection of his patrons, ventured within Philip's reach, and met the death of a traitor. Thereupon the Magistrates of Plymouth seized the executioners and hanged them.

This last outrage was too much for the patience of the Pokanokets, if not for the prudence of their chief. A few colonists were shot, a few houses burned, by way of reprisal.

¹ Or Wampanoags.

² III. pp. 226-240.

The Colony sprang to arms, supported by her neighbours. The Pokanokets and the Nipmucks, by whom they were joined, maintained the conflict with far more courage and success than could have been expected. They were outnumbered and over-matched; not half of them were armed; but for several weeks the strife was waged with varying fortunes, and, on the whole, with more signal if not heavier loss to the colonists than to the Indians. In the meantime the Confederate Colonies had imposed upon the Narragansett tribe a treaty, binding them to surrender all Nipmucks or Pokanokets who should take refuge in their territory. Such a bargain was repugnant to Indian pride as to human feeling; and of all Indian chiefs, Conanchet, the skilful and high-spirited Sachem of the Narragansetts, was the least likely to fulfil an engagement so dishonourable. He owed and could have felt no goodwill to the colonists of Plymouth. Many years before their ally, the Mohican chief Uncas, had, by a treacherous stratagem, captured Conanchet's father Miantonimoh. Uncas had submitted the fate of his captive to the arbitration of the ministers and Magistrates of Plymouth, and at their express instance had put to death one whom, as a possible and formidable enemy, they probably feared to spare. On the one hand, neither Conanchet nor his people could have meditated the surrender of their kinsmen; on the other, the chief was far too sagacious to have willingly accepted such an engagement with a deliberate intention to break it. It must, therefore, have been imposed on him by compulsion or accepted in ignorance.

At any rate no fugitives were surrendered, and the colonists seized this pretext of quarrel with a promptitude which strengthens the probability that the treaty was made to be broken. That the Narragansetts meditated hostilities, Mr. Palfrey, in reviewing the policy of Philip, justly pronounces incredible. Had he meant to strike, Conanchet would not have waited till the power of his intended allies had been broken, till his enemies were not only armed and on their guard, but had mustered in overwhelming force.³ He would

³ See last note.

have joined the Nipmucks and Pokanokets in their first attack; would have availed himself of a season suitable to Indian warfare; would have snatched the advantage of surprise, and might not improbably have secured a signal, possibly a decisive victory. That he should have staked everything upon the forbearance of the colonists—that, meditating an attack in spring, he should have exposed himself to the hazards of a defensive campaign in winter, when the snow-covered ground, the bare trees, the scarcity of food, were most unfavourable to the Indians, and afforded every possible advantage to the better armed, clothed, and provided whites—is inconceivable. A far inferior leader would have been incapable of such a blunder in tactics and policy. The aggression was almost certainly in intention, unquestionably in fact, committed by those who gained everything thereby, to whom the time and the situation were favourable; who seized the opportunity to strike a sudden, unexpected, and decisive blow. Without notice, ultimatum, or declaration of war, the combined Colonies marched a powerful force into the Narragansett country, and reached unresisted, and apparently unobserved, the strongly entrenched winter camp of the tribe.

Successive rows of palisades, many yards in thickness, projected a position of considerable extent, surrounded by swamps, and accessible, during the greater part of the year, only by a single narrow path. This one access was guarded by a block-house; but the surrounding morasses must now have been frozen. The surprise failed; the stealthy approach of the enemy was detected just in time; the warriors sprang to their arms, and, firing from behind an impenetrable cover with their usual skilful marksmanship, picked off most of the leaders of the assailants. Deprived of their commanders, the colonists fought with the stubborn resolution of Puritans; the Narragansetts with all the fierce valour and more than the ordinary perseverance of their race. Their splendid defence and admirably devised fortifications bear witness to the military capacity of their chief, and his power to breathe his own heroic spirit into his followers. The

assault was more than once repulsed. Once the assailants entered the fortress, and were driven out in hand-to-hand fighting. Better armed and disciplined, however, and attacking from several points at once, they at last made good their entrance. The Narragansetts were still undismayed, and maintained their ground at close quarters till, infuriated by their protracted resistance, the colonists fired the wigwams over the heads of the helpless inmates. Embarrassed by the flames, inferior alike in weapons and in personal strength, hampered by the terrified women and little ones who clung around them, the defenders were at last overpowered. More than half their number were killed on the spot, or perished of their wounds; a still larger number of women and children were sacrificed.

The act of fierce passion to which the Indian women and children had fallen victims went not wholly unrewarded. The scores of wounded, whom the wigwams would have sheltered, had to be carried back a whole winter day's march to the nearest settlement, suffering cruelly by the way, and several of them perishing of cold and wounds. The military power of the great Narragansett tribe was shattered. None the less, under a chief like Conanchet, the remnant of his force maintained the contest and exacted a terrible vengeance for their wrongs. Dispersed, hunted down, shelterless, starving throughout the winter, they fell, with the return of spring, upon the frontier towns. One settlement after another was surprised or stormed, and fired. Philip and Conanchet understood the business of war far better than the Colonial leaders. Of the latter, a few veterans excepted, none had any military experience. The folly and carelessness of their marches, their want of discipline and order, exposed them to the surprises and ambuscades in which their adversaries excelled. In actual fighting, though often disgracefully beaten, they had on the whole a decided advantage. But victories in the field afforded no protection to the unfortified and generally unguarded plantations scattered throughout the wilderness. Despite the terrible experience of the previous year, the Indian warriors, moving with character-

istic rapidity and secrecy, caught the settlers off their guard, dispersed in their fields or assembled in their churches; and before the end of the war one-third of the settlements of Massachusetts and Plymouth had perished.

Neither side gave quarter. The men were killed, the women and children either massacred or carried into captivity. Except in the use of torture, little distinction can be drawn between Indian barbarism and Puritan ruthlessness. More than one captive wife and mother has left a touching record of her own misery, of the yet deeper anguish she endured in witnessing the sufferings of her helpless children; and for each story preserved a hundred are lost or forgotten. But, on the one hand, they endured only what their fathers and husbands had inflicted upon ten times as many equally innocent and helpless victims; on the other, they complain less of any wilful and intentional cruelty than of the hardships inevitably incidental to captivity in the hands of hard-pressed and half-starving enemies—hardships shared to the full by their captors. The latter used rough threats but, it would seem, little practical severity, to compel the prisoners to keep up with their own forced marches and rapid flights.

Philip himself paid one female prisoner a shilling for making his boy a shirt; and when the captive offered to give it up, 'My mistress,' she says, 'bade me keep it;' and she purchased therewith food of which that mistress was in equal need. For making a cap the deeply injured chief invited her to dinner, and, poor and scanty as was her fare, it was evidently as good as his own. The Indians, moreover, were always willing to accept ransom for their captives; the colonists sold theirs into domestic or foreign slavery. It is impossible to read the narratives of the white prisoners without horror and compassion; but, bearing in mind the origin and the conduct of the war, it would be iniquitous to forget the far more cruel suffering of Indian families. We need not, to use Mr. Palfrey's own phrase, impute his pitiless exultation over Nipmucks and Narragansetts, his passionate sympathy with the wrong-doer, to an incurably bad heart. But it is not so surprising that

one reader of English blood, even on Mr. Palfrey's own statement of facts, was found to wish that fortune had favoured the right. Such poetic justice, however, is almost unknown to history. The colonists paid dearly for the crime of their rulers, a crime they heartily approved and fully sanctioned. Hundreds of valuable lives were sacrificed, hundreds of homes burnt. Many women and children perished in the flames; a few, carried into the wilds of New York or Canada, were hopelessly lost. But the Indian tribes suffered tenfold more severely. The Nipmucks and Pokanokets, the deeply wronged Narragansetts, were virtually exterminated. Probably nine-tenths of their warriors died in battle or of their wounds; the captive remnant were put to death or sold into bondage. Philip, returning in despair to die among the graves of his fathers, was surprised and shot, and his family enslaved. Conanchet and several other distinguished chiefs were taken prisoners and murdered in cold blood. Philip's head and hands were cut off and exhibited in triumph in the streets of Boston.

The unreality of the conspiracy ascribed to Philip, so signally illustrated in the case of the Narragansetts, was proved by yet another example. While their support might have turned the scale, the tribes of the North remained quiet; when the Narragansetts, Nipmucks, and Pokanokets were hopelessly vanquished, the Indians of Saco and Cocheco fell upon the settlements along the Piscataqua. They were easily repulsed and beaten, and sued for peace. Their power was broken for ever by a treachery only too common in the history of American relations with the Indians. Richard Waldron, commanding in that quarter, took advantage of a conference to disarm and capture, under pretence of a sham fight, several hundred Indians. The magistrates of Massachusetts arrogated their share of the guilt. Two hundred of the captives were sent to Boston. Seven, who were supposed to have shed English blood, were hanged as murderers, the remainder sold into slavery. Waldron's deed was far from revolting the moral sense of his day. Till Indian vengeance brought his hoar

head to the grave with blood ' he remained one of the heroes of Massachusetts. *His name ranks in her traditions with those of Winthrop and Endicott, and is celebrated by Whittier, the noblest poet of New England, in a piece which, to do the writer justice, suggests oblivion rather than condonation of the act on which its hero's fame chiefly reposes.

CHAPTER VI.

THE REVOLUTION OF 1688.

Pede Pena Claudio. The Charter forfeited at last—Relief of the Many—Grievances of the Oligarchy—Revolution of 1688—New York—New Jersey—Pennsylvania—Delaware—Bacon's Rebellion—The Carolinas.

THE Colonies had gained a Pyrrhic victory. Their steadily growing prosperity sustained a severe check. They were laden with a crushing burden of debt; their strength and courage were broken. Plymouth is said to have owed more than the whole personal property of her citizens. It took long years of heavy taxation before Massachusetts paid off the liabilities that the war had left behind. Her altered tone towards the mother country, the exchange of defiance for dilatory pleas and appeals *ad misericordiam*, attest her conscious weakness. Randolph, whether actuated by resentment or simple loyalty, did no more than his duty in reporting the vexatious and factious conduct of the authorities, in pointing out the violation of the charter not by occasional or incidental usurpation, but by a systematic course of that legislation which its terms expressly forbade. Nor did he transcend his proper functions in making the Home Government acquainted with the complaints constantly brought to him in secret by members of that disfranchised majority which, excluded from all civil and religious privileges, was harassed, vexed, and tormented by social regulations framed in the worst spirit of Sabbatarian superstition and Puritan bigotry. It must be remembered that the freemen were at most one in five of the adult male inhabitants, probably much fewer. They formed a strict oligarchy, exclusive and self-recruited. The vast majority of the people had neither interest in nor sympathy

with a Government appointed by and administered in the interests of a small sectarian minority.¹

A considerable party among the more respectable citizens, with many leading officials, were averse to the headstrong and provocative tone which, adopted by a small majority in the Court of Assistants, found a passionate echo in the hearts of ill-informed and hot-headed Deputies. The freemen as a body were alike ignorant and contemptuous of English law. When reminded of the limits of the charter, and warned of the peril to which it was exposed, they fell back upon a forced construction of Scriptural texts, an appeal to that 'higher law' which can always find a sanction for the wildest pretensions, the worst acts, of those who invoke it. No lawyer could overlook the weakness of their cause. The Home Government was not disposed to push matters to extremities. Should it be provoked to do so, Holt or Treby, no less than Guildford or Jeffreys, must have pronounced the charter forfeited by persistent and deliberate disregard of its restrictive condition, dating back to the very origin of the Colony and maintained down to the present moment. Apparent concessions had been made to royal demands too just and too peremptory to be openly defied, but not one in fifty laws repugnant to the laws of England had been honestly and effectually repealed.

Before the Colony had been ten years in existence, Endicott, moved partly by religious, partly by political hatred of the symbol, had torn St. George's Cross from the ensigns of the Colonial militia; and this step, though formally disowned, had been practically adopted by the Government. Men whose education, whose administrative and judicial experience, had given them some insight into the law, could not doubt the result of a *quo warro* to or *scire facias*. The extreme faction in the Court of Assistants relied less on such poor legal quibbles as must be contemptuously overruled in any Court of Law, than on the practical difficulty that the Home Government would find in enforcing obedience to its commands. That, unsupported by her sister Colonies and weakened by debt and war, Massa-

¹ Randolph's Report, Palfrey, Book III. c. 2.

chusetts could no longer oppose an effectual resistance to a King who had crushed the Exclusionists and the Covenanters, every Colonial statesman must have been aware. The charges of dishonesty too often cast by prejudiced historians upon the Moderates might be pressed with much better reason against the responsible leaders of the extreme party. Pandering to the ignorance and passion of their constituents, they were incurring certain defeat rather than imperil their popularity for a moment by an honest exposition of facts, by counsels of practical prudence and sobriety.

The Colonial authorities complained that the notice given was too brief to permit of their appearance; that they were cast, in short, before the summons reached them. The stronger the case against them, the more inexcusable, according to modern ideas, was an illegitimate haste for which there was no need whatsoever. But the lawyers of that day regarded such questions differently. "Massachusetts was entitled to no favour or indulgence. Of the impending forfeiture she had had substantial if not formal notice for years; and from the counsel for the Crown at least, and from Judges cognisant of her delays and evasions, she could expect nothing but the letter of the law. Nor was any substantial injustice done. The Colony was well aware of its danger, and had, at the critical moment, responsible agents in England. Where defence was impossible, default, and especially a default excused or caused by the undue eagerness of the prosecutors, was probably on the whole the best thing that could happen. In the formal wrong done to Massachusetts, contemporaries and historians forget her actual deserts.

In 1684 the charter was repealed by writ of *scire facias* in the Court of Chancery. There is no reason to think that to the majority of the people the change was especially unwelcome. All but the minority of enfranchised Church members had a direct interest in the right of appeal to England. They must have felt themselves safer in the hands of a Government appointed from home than at the mercy of their bigoted neighbours. They complained not merely of political exclusion,

but of practical injustice. We know that the freemen contrived to reconcile party verdicts to their consciences where, as in cases under the Navigation Act, the claims of the Crown conflicted with colonial interests. There is no reason to suppose that they were wholly impartial in private suits between Church members and dissentients. The temper of the ruling oligarchy—the ministers, elders, and freemen, as distinguished from the magistrates on the one hand and the bulk of the people on the other—was unintelligibly and almost inconceivably violent, intemperate, and extreme.

We have seen how that temper had led them to trample on the fundamental tenet of their ecclesiastical system, the independence of the several Churches. Sects are ever more tenacious of their distinctive differences than of the first principles of the common faith; and it need not surprise us to find the colonial Puritans as contemptuous of the most sacred rites and primary doctrines of Christianity as of their own peculiar formularies. They were consistent only in a profound and passionate impatience of dissent, civil or religious. No ministrations but those of the authorised and established pastors were permitted, and their ministrations were not, like those of the English Church, due of right to every parishioner. Even the universal sacraments of a common Christianity were refused to those who had not qualified for the full privilege of Church membership, or from whom that privilege had been withheld. Church members only were admitted to the Communion table; Church members only could present their children for baptism.² Yet had an Anglican priest, passing through the country, ventured to administer the Eucharist, or to baptise the infants rejected from the font of the colonial Establishment, he and his congregation would have been visited with fine and imprisonment, if not with still heavier penalties. In a word, the whole community, the freemen excepted, was under an interdict. These laws were relaxed only at a very late period, and after a bitter and obstinate contest. Even then a powerful minority, both

² See Palfrey, Book II. c. 2. Bancroft, Pa II. chap. 8.

of the ministers and of the Churches, long maintained their protest on behalf of the primitive severity which treated four-fifths of the population as heathens or excommunicated heretics.

Christian marriage and Christian burial were forbidden to all. With signal inconsistency the Puritans pronounced marriage a mere civil contract, unblessed by religion, attested only by the magistrate, yet made adultery a capital crime. That reaction of antagonistic superstition which formed so strong an element in their religion abhorred the beautiful and touching funeral services of the Roman and the English Churches, and manifested itself in committing even their own dead, their wives and children, their rulers and pastors, to the earth in dreary hard silence. Any rational government, any that England was likely to impose, whether under the rule of Randolph and his local partisans, or that of officials fresh from the Court of Charles II. or James II., could not but be welcome to the malcontents made by such a system.

The Crown had moved so slowly that it was not till 1686, ten years after the Indian war, and nearly two after the forfeiture of the charter, that Sir Edmund Andros landed at Boston as his Majesty's Governor-General in New England. Rhode Island and Connecticut found little cause to complain. Across the records of the latter is written—not, it would seem, by the hand of Andros, but of the secretary who records his assumption of authority—'FINIS.' Tradition affirms that, at the same or another sitting, the candles suddenly went out; that when they were relighted, the charter which lay on the table had disappeared, to be produced at a later date from a hollow tree in which it had been safely hidden.^a It is a significant fact that Andros's nominated council included most of the best men of all the Colonies, among others two or three members of the Winthrop family. The supreme grievance of Massachusetts was his demand that one of the churches of Boston should be lent, at hours when it was not occupied by its own congregation, for the Anglican worship. There was

^a Palfrey, iii. 542.

no question of profanation, hardly any of proprietary right. The Puritan's idea of religious liberty was that his worship should be tolerated in England, but that the English service should not be tolerated in Scotland or Massachusetts. A few months later Episcopalian congregations were brutally mauled and outraged by the Scotch rabble, with the license and encouragement of the Revolutionary Government, at a time when Presbyterians and Independents enjoyed perfect freedom in England. To prevent him from persecuting was the persecution of which the Puritan complained most bitterly.

Historians have given more attention to a charge of much less moment in the opinion of those who preferred it. Andros is said to have required colonial proprietors to take out patents under his seal for the lands they held by grant from the local authorities or purchase from the Indians. We have only the complainants' stories, and those bear marks of manifest exaggeration, and apply less to Andros than to his local adherents. In New York he provoked no especial animosity, and his subsequent appointment by William III. to the government of Virginia shows that his political enemies at home, having before them his replies to the invectives of Massachusetts, thought the charges against him frivolous. By their own showing, those who thought themselves individually wronged were very few. The grand political grievance of the freemen at large was that they were now placed on a level with the vast majority of the colonists, in being taxed without the consent of their representatives.

As at home a few desperate conspirators had meditated rebellion, even before the tidings of the Dutch invasion arrived. Within a few hours thereafter, a large body of armed partisans had taken possession of Boston, arrested the leading Royalists, forced Andros to take refuge in the fort which commanded the harbour, and laid hands on the captain of a royal frigate. The latter forgot, in personal animosity to Andros, his duty to his Sovereign and his Sovereign's representative. His conduct leaves little doubt that his arrest and submission were voluntary. Danger had been anticipated. His place was on

the quarter-deck of his vessel, which, so anchored as to sweep the streets with shot, might have quelled rebellion for the time. His treason paralysed the Government and ensured the success of the movement. He placed his vessel virtually, if not formally, in their hands; and, seeing her disarmed and disabled, Andros came out to confer with the rebel leaders, was arrested, and conducted to prison under a solemn pledge of life and safety. That pledge was no sooner given than broken.

The fort still held out. The Puritan chiefs informed Andros that if he did not obtain its instant surrender they would hand him over to be torn to pieces by the rabble. With the surrender of the fort the legal government of New England came to an end. Massachusetts resumed the exercise of her forfeited charter, and her sister Colonies, seeing the Governor-General a prisoner, reverted to their still extant privileges. The former, however, was not restored. The Judges appointed by William III. evidently approved the decision of Lord-Keeper Guildford. Massachusetts obtained a new charter, under which she still retained an elective Council and Assembly, but the Governor was named by the Crown, and both the King and his representative had a veto on Colonial enactments. Connecticut and Rhode Island regained their chartered franchises, but Plymouth, the eldest and not least respected of the New England Colonies, was quietly absorbed by her more powerful neighbour. The altered temper of the New England Puritans, perhaps the hopelessness of resistance to the encroaching spirit of Massachusetts, may be inferred from the accomplishment of an act so high-handed, the infliction of such an injustice upon an unoffending and deservedly-respected community by a stroke of the royal pen, without any such murmurs, any such persevering passive resistance as had delayed for months the union of Connecticut and New Haven.

James I. had divided British America into three parts—the grants of the London and Western Companies and the intermediate territory open to both. The latter, originally embracing three degrees of latitude, had been narrowed by

subsequent definitions till it covered on the seaboard little more than the present limits of New Jersey. The grant to the Western Company never took practical effect. The grantees of Virginia soon resigned it to the Crown. But the division in its general outline continued to correspond with rather than to control the actual course of settlement, and may be traced throughout the history of America even to the present day. New England, from Maine to Connecticut, occupies the seaboard assigned to the Western Company, and afterwards to the Council of Plymouth. Maryland, Virginia, and the settlements to the southward filled up and spread beyond the domain originally assigned to the London adventurers. The intermediate coast, left open to both, neither attempted to plant; and, despite the nominal claim of England, it passed out of her hands.

When the Leyden congregation were planning their transfer to America, they were invited to settle in the territory along the Hudson, claimed by Holland in right of discovery, and transferred to the Dutch West India Company. Chanco or patriotism, or distrust of the country where they had fared so hardly, fixed their future home under the English flag. They might have been the first occupants of New Amsterdam, the original founders of the greatest instead of the most insignificant of American communities. They might have escaped the hardships which in six months destroyed one-half their number; they would have gained comfort and riches, and lost their merited fame and signal place in history. While the Colony of Plymouth was struggling through the hardships of its infancy, the Dutch Company had established itself firmly on the island of Manhattan,⁴ and at the position called Fort Orange, where Albany now stands. Plymouth had neither the leisure nor the power to molest them. The far more powerful and ambitious colony of Massachusetts presently discovered that a part of its boundless Western domain had other European inhabitants; that enterprising Dutch traders had invaded, or rather anticipated, that

⁴ The site of New York.

monopoly of the Indian fur trade which she claimed in virtue of her charter. Governor Winthrop warned off the intruders in imperious language as trespassers on English territory. The Dutch settlers answered with gentle or politic forbearance, referring the question to their several home governments. Neither party was inclined to waste its strength in contending for the nominal ownership of a distant region that neither was ready to occupy. It was not till the settlements of New Haven had been pushed across the Connecticut that the Dutch and English came into contact, and even then their mutual prudence avoided a collision that men like Endicott would willingly have precipitated.

Dutch capitalists purchased large tracts of country, on which they settled their servants or tenants, planted, traded, and throve in their phlegmatic way. A mixed population, nearly half of which seems to have been of English origin, filled up the country from New York (New Amsterdam) to Albany. The first traders and settlers had been on excellent terms with the natives. As they waxed strong they waxed insolent, and Governor Kieft picked a wanton quarrel with the Algonquin tribes in his neighbourhood; attacked, surprised, and butchered some hundred of them. The powerful Iroquois, who claimed some sort of suzerainty over the whole country from Virginia to Canada, took up the quarrel, and imposed upon the colony a humiliating treaty of peace. This treaty, however, proved of infinite value both to the Dutch and to their English successors. After Kieft's recall, the former maintained a cordial understanding with the Mohawks, the most powerful of the Five Nations. The infant Colony had learned to its cost that it existed by the sufferance of the great native confederation. The Iroquois, engaged in a constant and bitter feud with the French Canadians, were careful to keep on terms with those on whom they depended for the indispensable supply of firearms and ammunition. New Netherland, as a Dutch colony, never attained the importance of Massachusetts or Connecticut; but New Amsterdam, with its splendid harbour and admirable situation, was, next

to Boston, the most thriving city on the American coast. In 1664, during the first Dutch war of Charles II., it surrendered without resistance, though sorely against the will of its high-spirited Governor Stuyvesant, to an English fleet.

The first settlers of New Jersey and of that little strip between the estuary of the Delaware and the frontier of Maryland, which now forms the State of Delaware, were a Swedish colony. Between them and their Dutch neighbours a tolerably good understanding subsisted, till the death of Gustavus Adolphus and the long minority of Christina brought down the prestige of Sweden to the level of her natural power. The whole country was then forcibly annexed by the Governor of New Netherland. The Swedes, admitted to full equality with their fellow colonists, acquiesced in the change they hardly felt. Thus the surrender of New Amsterdam brought the whole coast between Florida and Acadia under the dominion of England. The Dutch recovered their Transatlantic possessions for a moment, only to surrender them once more and finally. By this time the English element preponderated everywhere, though the numerous Dutch inhabitants of New York and the little Swedish settlements on the Delaware were not without influence on the character of those provinces. The Swedes, though formally associated, were never amalgamated with the Quaker communities of Pennsylvania. There was no unity of interest or sentiment, and this tiny Colony ultimately regained its independence. French and Spanish provinces have been annexed by conquest or purchase; Holland and Sweden alone were represented in the original Thirteen Colonies, and share with England the parentage of the greatest and least of the United States.

William Penn, the Quaker courtier and democratic Jacobite, in conjunction with other Quakers, had purchased Western New Jersey from the original grantees. Passionately devoted to the cause of religious equality and the interests of his sect, he had long cherished the hope of establishing beyond the Atlantic an ideal commonwealth, where the Quakers should be free from the vexations that, in any civil community,

must trouble the life and conscience of men who would neither fight nor swear allegiance, would pay neither church dues nor military taxes. But Penn's aims and principles were the very opposite of Bradford's and Winthrop's. To his refuge for the persecuted all fugitives from persecution, even the savage Puritan persecutors of his faith, even the 'Papists' on whom the most tolerant Protestants then retorted their own ruthless intolerance, were equally welcome. Both Charles II. and his brother felt a natural indulgence for the Quakers, whose doctrine of non-resistance was so presented as to resemble the 'passive obedience' then deemed the vital distinction of Anglicanism; of whose loyalty and harmlessness the savage animosity of English, Scotch, and American Puritans might seem strong *prima facie* evidence. As much from royal goodwill as in satisfaction of alleged claims upon the Crown, Penn received in 1681 a grant only less lavish than that which had assigned the northern part of New England and the whole of New Netherland to the Duke of York.

From that assignment was carved a province extending westward from the right bank of the Delaware, marching on the south with the frontier of Maryland, and on the north with that of New York; boundaries not accurately adjusted till a much later date. To this ample domain Penn invited his persecuted co-religionists. These, the flying fish of controversy—punished by Church law as Nonconformists, and sure, if the Nonconformists regained the upper hand, to be more savagely persecuted than Churchmen—flocked by thousands to an asylum secure against both their foes; and Penn landed in 1682 as the ruler and lawgiver of an expectant community. Under the forest which occupied the present site of Philadelphia he gave to his tenants a constitution by far the most democratic then known. He reserved to himself the nomination of a Governor with powers scarcely more than formal, granted each settler his land in fee, but claimed a proprietary right in the unoccupied domain, which was the subject of constant disputes between the colony and his heirs.

Pennsylvanian tradition has dwelt less upon the liberality

so unkindly requited, on the extravagant liberties which never contented their possessors, than on a less important but perhaps even more exceptional and more striking incident. Under the same primæval forest Penn concluded the one Indian treaty which, if it hardly endured longer than that between New York and the Five Nations, at least deserved to endure. He respected both native interests and native pride, made no pretence to suzerainty or jurisdiction over the Indians, but treated them and the colonists as independent parties to an equal and willing compact, co-partners of a soil on which there was abundant room for both. The tribe thus fairly treated, and which proved itself worthy of such treatment, belonged to that Algonquin race with which both in Virginia and in New England the settlers had come into disastrous collision. The Lenni-Lennape are better known by the name of the Delaware river, on which the council-fire of their nation had long been lighted. The connection with the Mohicans of New England, ascribed to them in Cooper's well-known novels, is not so easily made out as their ignominious vassalage to the formidable Iroquois confederacy, which had compelled them to renounce even the name of warriors—in their own phrase, to wear the petticoat.

A few years later, one of those rumours with which the Puritan commonwealths of New England were so familiar, which had afforded them the excuse for so many irritating precautions and for two cruel wars, alarmed the rising town of Philadelphia. Five hundred Delawares, it was said, had assembled at no great distance with the intention of assailing and destroying the non-resistant city. Endicott or Standish would have anticipated the supposed treason and apprehended massacre; the Magistrates of Plymouth would have summoned the Sachems to answer for themselves at the bar of a foreign Court. Five or six Quaker emissaries hastened unarmed to the place of meeting, and told their story. The Delaware chiefs answered in the tone and almost in the language in which high-minded English gentlemen would have resented an imputation that touched their honour to the quick. Un-

molested, they refrained from molestation ; trusted, they were true. Left to their own laws and liberties, a chance affront, an incidental quarrel, never led to reprisals or hostilities. Such few disputes as might arise were referred with unhesitating confidence to the justice of their white neighbours.*

In Virginia, Sir William Berkeley's restored rule was marked by a deplorable incident, which suggests that the temper of the stern but generous Royalist soldier had been soured and exacerbated by the misfortunes of his party and his own wrongs. A rumour of Indian conspiracies, confirmed by some actual collisions, provoked a difference of opinion between the Governor and the planters. The former refused to resort to hostilities ; the latter, under a popular leader named Bacon, mustered in force for a defensive or aggressive campaign. The Governor necessarily resented such an usurpation of the royal prerogative, and proclaimed Bacon a traitor. The latter, on this provocation, abandoned the Indian campaign with a facility which casts no little doubt on the alleged peril, and seems hardly compatible with sincere or serious apprehension. Thus practically and legally putting the Governor in the right, Bacon led his forces to coerce Berkeley in the capital. Compromises were proposed, accepted, and violated. The sudden death of Bacon broke the strength of the popular party, and Berkeley, recovering his power, took a cruel revenge for the affronts and humiliations he had endured. 'The old fool !' said his master ; ' he has taken more lives in that wilderness than I took in requital of my father's death.' Berkeley was recalled. His successors were mere courtiers, eager to make money by whatever means, often guilty of individual acts of oppression, but indisposed to quarrel with their paymasters, and therefore compliant on the whole with the demands of the colonial Assembly. Even under their rule, Virginia was lightly taxed. Eighty-three pounds of tobacco per head seems to have represented the total amount of taxation, above the regular settled revenues of the Government, voted during several years.

* For detailed but extravagantly partial account of Penn and Pennsylvania see Bahcroft, Part II., c. 15, 16.

The region south of Virginia was assigned in the still usual fashion to proprietary bodies, among whose members were Lord Clarendon, Sir William Berkeley, and the famous philosopher John Locke. The latter had the honour of framing for South Carolina an elaborately aristocratic and ingeniously unworkable constitution ; a philosophic abortion which did not attain even 'to make a miserable noise and go off in convulsions.' After a few years of nominal existence, it died of inanition. Few of its subjects, probably, knew that it was in being, and nobody missed or mourned it. The proprietors made some attempt to render their ownership valuable to themselves and beneficial to the country, by forming settlements at various points ; but the actual people of the northern province consisted chiefly of individual adventurers who came by twos, threes, and dozens from the neighbouring Colonies to settle where law could not follow them. North Carolina was, even more than Virginia in the first stage of her settlement, a country of isolated plantations ; in this case chiefly small cattle farms, which prospered with little or no help and occasional hindrance from the Government repeatedly set up by the proprietor, continuously disregarded and frequently overthrown by the inhabitants. South Carolina was from the first a slave colony, unsuited to wheat, maize, or even tobacco. Her staples were such as on the one hand required only the rudest labour, and on the other were best grown on soil and in situations deadly to European, but comparatively well suited to African immigrants. She owed her first marked advance, and not the least valuable element of her population, to the repeal of the Edict of Nantes. Of some half-million Huguenots driven into exile by that measure, thousands found their way to the southern colonies of England, and hundreds, under the patronage of the proprietors, settled along the Santee and the Charles. The Royalist and Anglican element was strong, but never strong enough to enforce its pretensions to supremacy. Religious and civil disputes kept the Carolinas in anarchy, but did not prevent their growth, during the interval between the Restoration and the Revolution.

The latter event found ten or eleven separate communities, with a population perhaps approaching to a quarter of a million, occupying the entire sea coast of America between the Spanish and French possessions. The charter of William III. had annexed Plymouth and Maine to Massachusetts, and the united Colonies may have had a population of forty to forty-five thousand; New Hampshire and Rhode Island perhaps six thousand each; Connecticut less than twenty thousand; New York a somewhat larger number; New Jersey, Pennsylvania, and Delaware, and the two Carolinas, including what is now the State of Georgia, from eight to twelve thousand each. Maryland had perhaps twenty-five thousand, and Virginia, the largest and most powerful of all the Colonies, more than fifty thousand inhabitants.

By this time, the New England Colonies and Massachusetts above all, had established a system of education, elementary and superior, scarcely if at all inferior to that of the Scottish Lowlands. Every township of fifty families had in 1647 a school, every community of twice that size was required to maintain a grammar school. Before twenty years had elapsed colleges had been founded, partly by public contributions, partly by private liberality, wherein the first generation of youths born in the colonies received instruction little inferior to that given at St. Andrews or Edinburgh. The conditions of colonial life did not admit of a prolonged or thorough literary education. Few families were rich enough to dispense with the labour of sons of fourteen and upwards. But the long winters afforded opportunities which were utilised to the utmost.

Harvard College was opened in 1638-9; its first pupils, nine in number, graduated in 1642. Yale College, its Connecticut rival, was not opened till the first year of the next century.

CHAPTER VII.

THE WITCHCRAFT MANIA.

To the influence at Court of Cotton Mather, a leading Boston preacher, and of his father Increase, in 1689 the virtual representative of Massachusetts in London, the appointment of Sir William Phipps as Governor and of two leading but not very able members of the moderate party as Deputy-Governor and Chief Justice respectively, was generally imputed. To Cotton Mather's influence, his ascendancy over his weak and stubborn nominees, and over a populace to whom his spiritual arrogance, his bigoted Calvinism, and his childish superstition were thoroughly congenial, must be ascribed the last, the most contemptible and the most detestable outbreak of the old Puritan fanaticism.

In ferocity, cruelty, and sanguinary barbarism the famous Witchcraft Mania may rank with the most hideous, as in credulous folly and glaring absurdity it takes place among the most ridiculous, of the minor tragedies of human error. The first victim was an old Catholic crone, denounced and butchered some years earlier at Mather's own instance on the evidence of some malignant girls, who played on the Puritan preacher's idiotic credulity and almost insane self-conceit. At last, in 1692 one Samuel Parris, a minister at Salem, took the hint. He had quarrelled with some members of his congregation, and encouraged his daughter and niece (girls about twelve), and other children, to prefer similar charges of witchcraft against various unoffending men and women. The infant witnesses, whose minds he debauched, whose testimony he must have inspired and dictated, went into convulsions—real, hysterical, or affected—pretended deafness, dumbness,

and various sorts of physical and mental affliction. These they imputed—not, as in ordinary witchcraft cases, to old, solitary, friendless crones of the lowest station, of unprepossessing appearance, eccentric habits, and malignant temper, but—to women and men of inoffensive manners, of blameless life, of decent family, and sometimes of considerable social position.

Chief Justice Stoughton believed the story, and persisted to the last in his credulity. As this man, though an eminent colonist, was a royal nominee, Mr. Bancroft endeavours to exonerate the Colony at large, and the people of Salem in particular, from responsibility for the consequent butchery. But every victim of Parris's wholesale accusations was convicted by a jury of freemen and Church-members—men politically prejudiced against Stoughton, and far too strong in mutual support and in the sympathy of their neighbours to have been bullied, cajoled, or coerced by him. Parris began by informations on which two women of stainless character were committed; and preached the next day on the text, 'Have I not chosen you twelve, and one of you is a devil?' Upon this, the sister of Rebecca Nurse, at whom the text was levelled, rose and left the meeting-house; and for thus resenting the outrage, she too was accused of witchcraft and sent to prison. The husbands, brothers, and fathers of the victims followed. Next, with a diabolical ingenuity in which Cotton Mather supported and imitated him, Parris turned the storm of accusation and popular prejudice upon those who avowed their incredulity. Farmer Bishop flogged an Indian servant, one of Parris's favourite witnesses, out of a fit; declared his belief that a sound whipping would cure the 'afflicted' children; and, thereupon, with his wife, was arrested and imprisoned on the common charge. The same fate befell a quondam minister, George Burroughs, a graduate of Harvard College, and a former rival of Parris. When the Court met, two eminent colonists—Sewell, a leading Puritan, and Wait Winthrop, by name, lineage, and influence among the foremost citizens of Massachusetts—were associated with Stoughton on the bench.

The first victim, Bridget Bishop, as Cotton Mather avers,

'looked at the meeting-house, whereupon a demon entered and tore down a part of it.' On such charges and such evidence the unfortunate woman was hanged. At the next session, four women of irreproachable character were convicted, Rebecca Nourse, one of the accused, was acquitted; whereupon the judges rebuked and sent back the jury, till at last they extorted a verdict of guilty. That the verdict was founded on a misconception of the evidence, for which the Court was responsible, the foreman of the jury declared. The Governor granted a reprieve, but Mather and other ministers insisted on blood; the reprieve was withdrawn, and the five victims were hanged. No prisoner who confessed was executed. Every avowed sceptic, every accused person who maintained his or her innocence, was convicted and hanged without mercy. A reign of terror was established. Accusations multiplied. To bear testimony on behalf of the accused, to be related to them, to express a doubt of their guilt, nay, to refuse participation in the persecution, was to be 'suspect;' and suspicion ensured arrest, conviction, and death. Martha Carrier was hanged on the evidence of her own children, who had been tortured into perjury and parricide. An aged man of high character was condemned upon the evidence of his granddaughter, extorted by threats; evidence which she recalled before his execution, with no other effect than to ensure her own committal for trial. Nineteen persons had been hanged; one, refusing to plead, died under the *peine forte et dure*. One hundred and fifty were imprisoned, two hundred more accused or denounced.

The Puritan ministers exulted in the agonies of their victims. 'There,' said one of them, 'hang eight firebrands of hell,' pointing to the bodies of those whom he and his associates had murdered, as they swung on the gallows. The sane minority of Salem had been terrified into silence. A similar terror provoked their fellow-colonists to protest. 'We know not,' said the Church members and minister of Andover, '*who can think himself safe if the accusations of children and others under diabolical influence shall be received against persons of good*

fame. Precisely. Had the persecution been confined to persons of dubious orthodoxy, to Quakers, Anglicans, Baptists, and the like, its course might have been much longer. When ministers and Church-members were hanged on evidence elicited from debauched children or extorted by torture; or on the confession of fellow-prisoners whose lives were at stake, the Saints themselves were in peril. The General Court would not affront the prejudices of their constituents; did not enquire into, much less denounce, the murderous conspiracy. They forbore to touch the law, but they changed the tribunal and delayed the first assembling of the new Court till the following January. This last device betrays the practical Scottish shrewdness so strangely underlying the wildest Puritan fanaticism. The hanging was suspended for three months. There was time for discussion, for enquiry, for retractation, time for the minority at Salem and the majority of sane men elsewhere to assert themselves, without fear lest the first dissenting voice should be silenced by the hangman.

When the Court met, the grand jury dismissed more than half the presentments, but found bills against twenty-six. Twenty-three of these were acquitted; three—of whom one was a wife on whose testimony her husband had been hanged—were convicted and reprieved. Sober reflection left no doubt that the evidence was one mass of deliberate imposture; yet even the chief murderer went unpunished. No attempt was made to arraign Parris for perjury or subornation, though under Colonial law his crime seems to have been capital. Nor were his less guilty tools punished in any way. Public opinion was content to drive him from Salem. One or two of his accomplices, like Judge Sewell, confessed their guilt or madness. But the leader of the persecution—next to Parris himself the most guilty, and beyond even Parris the most influential in procuring that hideous series of judicial murders—neither retracted nor lost favour. Cotton Mather continued to the end of his life a shining light of New England Puritanism.

CHAPTER VIII.

THE FRENCH WARS.

Consequences of the Revolution—New England and New France—The Five Nations—American Colonies the real Principals—Acadia—Louisiana.

THE Revolution of 1688 was at least as momentous an event, as signal an epoch, in American as in English history. It linked the New World for a century closely with the politics of the Old. Divided between France, England, Holland, and Spain, North America had never yet been the seat of serious or prolonged hostilities. In spite of religious and national antipathies, the colonies were too busy and too far apart to fight. France crept southward into New York, New Hampshire, and Maine. Expeditions from Virginia and New England destroyed French settlements in Acadia, as the southern sea-coast country claimed and occupied by France was long called. But the border line was shifted north or south by a hundred miles with less loss of life than seems to have been incurred in the quarrels of French Protestants and Catholics within the disputed country. The single vote of Massachusetts once saved New England from a bloody and wanton war with New Netherland; in the Dutch wars of Charles II. the latter was taken, retaken, and finally resigned to England without a blow. But the accession of William III. reversed the situation. Enmity to France, as the enemy of his religion, of his country, and of European liberty, was the ruling passion of the Stadtholder whom his own unscrupulous skill and the perverse bigotry of his father-in-law had placed on the throne of England. England was now, in conjunction with Holland, the leading Power in the European league provoked by the insatiate ambition of Louis XIV.

The next eighty years may be distinguished in American history as the period of hostilities with France; hostilities sometimes suspended or interrupted by intervals of more or less nominal peace, but never exchanged for reciprocal confidence or amicable understanding. It was also the period of intimate relations and mutual interdependence between England and her Colonies. The protracted and desperate struggles in which both were engaged, of which the latter reaped almost the whole advantage, might have been expected to draw closer the ties of common interest and feeling. But distrust and jealousy of England, inveterate enmity to her Church and Crown, were the earliest and deepest-rooted traditions of Massachusetts, Plymouth, and Connecticut. Virtual independence of the mother country was the aim of the first colonists; nor did the victory of the Puritans change the views and policy of men like Winthrop and Budley, Bradford and Winslow. They would give Cromwell no more than pious congratulations; no practical powers of which a Lambert, a Monk, or a Stuart might claim the inheritance. The Prince of Orange was no more trusted than the Protector; the House of Hanover scarcely more popular than the Stuarts. Disaffection had become by that time the traditional spirit, absolute self-government the aspiration, pretensions wholly 'repugnant to English law,' the political creed of the Northern Colonies. Wherever the Puritan influence penetrated, this temper and these pretensions prevailed. At the Peace of Utrecht, no Colony north of the line—after called Mason's and Dixon's—between Pennsylvania and Maryland, could be called loyal to England or to her Sovereign. None would confirm their professions of fealty by compliance with the most limited and most reasonable demands of the Crown or its representatives.

The Home Government was irresolute, ill-informed, and feeble beyond belief. Walpole could entrust the ultimate control of colonial affairs to the Duke of Newcastle; the weakest, most ignorant, silliest man whom favour and corruption ever raised to power in England. The duties of the

several Secretaries of State were divided partly by a geographical, partly by a departmental line. The Northern Secretary treated with Berlin, Sweden, and Russia; the Southern negotiated with Madrid and Paris, and had charge of the Colonies in general. The Lords of Trade and Plantations formed an intermediate body, without power or responsibility; screening the Secretary from direct contact with facts and from the necessity of acting upon them; able to report to and to advise the Government and its agents, but not to wring a decision from the one or coerce the other. This absurd system endured through nearly the whole period in question, and exposed the Governors of the Crown Colonies to endless embarrassment and perplexity, humiliation and defeat.

The Colonial Assemblies, grasping as popular assemblies have ever done at supreme and absolute control, generally refused to vote a permanent revenue or even to assign a fixed salary to the Governors. The latter, instructed to insist upon this point, were left without support or direction from home. They were forbidden to yield, they were not enabled to resist, and were necessarily forced into compromises which turned more and more decisively in favour of those who held the power of the purse. It should have been obvious to the dullest or most careless Minister that, to render the position of the Colonial Governors independent or intelligible, to make them in fact as in name the representatives of the Sovereign or the feudal proprietors, their salaries must be settled and secure, beyond the control or caprice of the local Assembly.

This was the case in Virginia, and in the proprietary province of Maryland, and these alone were firmly and constitutionally governed. Rhode Island and Connecticut elected their own Governors, and were sheer Republics. In New York, New Jersey, and Massachusetts, and in the proprietary provinces of Pennsylvania and the Carolinas, there was neither stable order nor popular government. A treatment combining injury and insult irritated the Governors against the Assemblies. The pettiness and personal nature of the interests involved brought the authority of the former into odium and

contempt. Utter ignorance of colonial feelings and tendencies, jealousies and prejudices, were traditional in the Colonial Department from the days of the Minister who was caricatured as learning with delighted surprise that Cape Breton was an island. The division of duties and responsibilities left the Home Government with a Colonial Secretary burdened with other functions, and without a properly organised staff of permanent officials at once versed in colonial affairs and directly subordinate to the Minister in charge thereof. Government by chance, departmental confusion, Ministerial neglect and Parliamentary indifference, inevitably fostered the growth of untenable pretensions and real grievances, even in dependencies as loyal as Virginia and Maryland; to say nothing of those which, like Pennsylvania and Rhode Island, were founded in anarchy, or, like Massachusetts and Connecticut, originated in religious and civil disaffection.

The mutual enmity of New England and the Canadas was but indirectly dependent on the quarrel between the mother countries: fiercer, more inveterate, and of somewhat earlier date. Incidents which showed that peace could not be secure or lasting had occurred, even while James II. was still the dependent and pensioned ally of Louis XIV. New York, with the territorial pretensions, had inherited the Indian policy of New Netherland. It was a necessity of her position to maintain her traditional alliance with the Iroquois Confederacy, the formidable enemy of the French provinces and the greatest native Power of the Continent. The Five Nations at present covered and shielded her frontiers; irritated, or driven into the arms of France, they would ravage the banks of the Hudson as they had wasted and ruined the settlements on the St. Lawrence. They held the balance; their hostility was the one great check on the rapid extension of French trade and influence in the North-West, pushed on, far and fast, by the co-operating energies of ambitious discoverers, enterprising fur-traders, and devoted Jesuit missionaries. An agricultural community, imitating the aristocratic order of the mother country, occupied both banks of the St. Lawrence from

Quebec to Montreal. A system of forts, which were also missionary or trading stations, was gradually advanced along the great water line. Frontenac at the north-eastern outlet of Ontario, Niagara at the western extremity, and Detroit, commanding the passage between Erie and Huron, gave to Canada the command of the Lakes, and of the only direct route by which European trade and European influence could reach the tribes of the interior. The energies of Spain were exhausted, or absorbed in the maintenance of her actual possessions; of which, some isolated northern settlements and the West Indian Islands excepted, the Rio Grande was perhaps the effective, though far south of the formal, boundary. Frenchmen were the first explorers of the Ohio and the Upper Mississippi, and if not the first discoverers, the first settlers of Louisiana, the first Europeans to obtain a foothold in Michigan, Ohio, and Illinois. Down to 1760, the Appalachian mountain ranges were in fact, as France once proposed to make them in form, the western boundary of the English dominion. Through some scattered stations on the Lakes, in the West, and in the Valley of the Ohio, France claimed sovereignty and exercised paramount influence from the Alleghanies to the Mississippi.

During the last years of the seventeenth and the first half of the eighteenth century, northern New York was the battleground of America, as Flanders of Europe. This country, as the names of its rivers and lakes still testify, was the home of the confederated Five Nations. Native sovereignty not being recognised on either side, their territory was claimed by the English in order to exclude the French, by the latter in vindication of their right to establish fortified posts for the protection of their borders and the restraint of their restless enemies. The forces of the Canadas, though much more disposable than those of New England, were less available than their muster-roll suggested. They included a nucleus of French regular troops, a well armed and drilled colonial militia, and a multitude of Indian allies drawn from the north and west. Hardly any numerical superiority would induce

the latter to face the Iroquois, of whom they stood in traditional awe. To call out the militia during the six months of a Canadian summer was to leave the fields half cultivated, and to expose the country to the danger of famine; a danger enhanced by the malpractices of a corrupt and despotic bureaucracy. The Canadian peasantry, ignorant and superstitious, subject to the religious control of the Jesuits and the exactions of a feudal seigneurie, were inferior in everything but organisation and mobility to the hardy colonists of New England and Virginia. The French regulars had in open fighting, in disciplined courage and military efficiency, no equals on the Continent; but in forest warfare they were hardly a match for the Iroquois, proud of a superiority questioned by no Indian rival, and of frequent victories over white antagonists. In winter the Canadians would cross the frontier and penetrate from Quebec, Montreal, or Champlain deep into the territory of the League. In summer, war parties, numbering from a few score to twelve or fifteen hundred warriors, often burst through the Canadian line of scattered frontier posts, drove the peasantry to take refuge in entrenched positions, more than one of which they surprised or stormed, and wasted the country at their pleasure; inflicting a hundred-fold what they had suffered, and replacing, perhaps, the loss of years with the plunder of a single campaign.

Tribes whose united strength probably never exceeded four thousand warriors were necessarily chary of life. The stealthy tactics and cautious strategy universal among the Indians were based upon the fact that every single man was precious. A slaughter such as Plymouth or Rhode Island could repair in four or five years had shattered for ever, or crippled for a generation, races numerically stronger than any of the Five Nations. Their fortified and well-built villages, their fields of maize, beans, and pumpkins, their winter stores of food, place the Iroquois on the highest level of civilisation that any Indian tribe had reached. Their government, so far as we know it, may best be described as a theoretical democracy verging on Polish license, in actual working an aristocracy

not unlike those we find in Homer. Every warrior had a voice in council, but only chiefs and elders of repute were wont to raise it.

No legal penalties enforced obedience or maintained authority; but an immemorial discipline, in peace and war, was strictly upheld by custom and opinion. It stood the very trial under which the ascendancy of Pericles, when at the highest, and in the proudest and best days of Athens, almost broke down. The tribes were content as a rule to see their lands wasted, their towns fired, their stores destroyed, with silent steadiness. They never broke away from the control of leaders who insisted on their own well-judged and patient strategy; retired in order before superior forces, harassed their advance, hung on their retreat, cut off stragglers and detachments, and waited the disbandment of the invaders to take vengeance to the full. The strength of the League was long unbroken by intestine quarrel or foreign intrigue. Neither passion nor greed diverted them from their main end; to weaken the power and revenge the wrongdoing of the French without giving themselves a master in their English ally.

It is a subject of deep regret that we know so little of their tribal or federal system during the century of their recorded greatness; so little of their previous history, of their internal polity, of the methods by which a consistent vigorous efficient scheme of civil, military, and foreign policy was reconciled with a disorganised democracy. We hear of no great Iroquois warrior or statesman, no secret council, no recognised senate of the tribe or of the League; yet their affairs were administered for three generations with a sagacity worthy of the Spartan oligarchy. Nowhere in Hellenic history do we find an act of magnanimity comparable to the treatment of Father Lamberville by the chiefs of the Onondagas.

The Governor of Canada had, in 1687, through Lamberville and other Jesuits, invited fifty Iroquois chiefs to a conference at Fort Frontenac. On their arrival he seized them, put them in irons, and sent them over to labour in the galleys of France. The Oneidas seized the agent of this treachery and menaced

him with death; but released him at the instance of a Christian matron, who adopted him as her son. That a traditional right so exercised should have been respected in such a moment of fury reflects the highest credit on the self-control of the tribe. The conduct of their confederates was yet more strikingly dignified and noble. The Onondaga chiefs, hastily assembling, called Lamberville before them. Observing the rage depicted in their countenances, aware of the foul treachery of which he had been the unconscious agent, without excuse or disproof of his complicity to urge, the missionary gave himself up for lost. A civilised Government, under far less gross provocation, exercises the right of reprisal on men notoriously innocent. The Iroquois statesmen at once asserted the right and declined to act upon it. 'We are authorised,' they said, 'to treat thee as an enemy; but we are not so unjust to punish thee for a crime of which we believe thee innocent. *We know thee too well* not to be persuaded that thou hadst no share in this treason.' They acquitted Lamberville not on any evidence before them, but on their knowledge of his character, and sent him under escort beyond reach of the vengeance of their excited tribesmen.

This incident throws some light on the practical working of an Iroquois democracy. What must have been the discipline of an escort which could be trusted to protect a supposed enemy against the righteous anger of their brethren in arms? The authority thus exercised by the recognised elders, at a moment when that authority was doubly impaired by the absence of the principal chiefs and the rage excited by their betrayal, seems to imply—what the whole history of the Confederacy suggests—a large discretion, a general initiative, vested in a small number of acknowledged counsellors; liable, but very unlikely to have their decision overruled by the opinion of the tribe, or disregarded by an exasperated minority. Such dispute or revolt would doubtless require the support of a party among the chiefs themselves. No man of lower repute would venture to challenge the collective judgment of the elders; and in their council the accord of three or four of those

most esteemed for wisdom would carry the assent or submission of the rest.

Indignant at this outrageous wrong to his allies, but hampered by the relations of the Home Governments, Governor Dongan of New York furnished the Iroquois with arms and gave them secret assurances of support. The Viceroy's crime proved, as usual in politics, a blunder. The Five Nations swept the banks of the St. Lawrence, ravaged the country at will, slaughtered its inhabitants, and returned, laden with plunder and captives, almost without loss. The garrison of Niagara was destroyed by disease and famine. That of Frontenac abandoned their post and fled for their lives. The Viceroy de Denonville was compelled to request the restoration of the enslaved warriors, and received, in an immediate recall, the usual reward of unsuccessful treachery.

The Revolution and the consequent war with France brought New York into the field as the open ally of the Iroquois. Parties of French and Indians, in 1690, invaded the English Colonies, burned Schenectady near Albany, Salmon Falls on the Piscataqua, and Casco in Maine, slaughtering men and carrying women and children into captivity. The Iroquois avenged the wrongs of their English allies by yet more systematic and frightful ravages. A council of Colonial officials assembled at New York resolved on more ambitious measures. Sir William Phipps, with a strong naval force, was sent to attack Quebec, Governor Winthrop, of Connecticut, with a large body of Colonial militia, marched on Montreal, but both attempts resulted in ignominious failure; a failure partly due to the sudden withdrawal of the Iroquois, far too politic and clear-sighted to assist in the total subversion of the hostile Power whose rivalry secured their independence, and rendered their alliance indispensable to the English Colonies.

Throughout the contest, their policy exactly reversed the common practice of savages and the course of the Indian tribes allied with France. The stronger waxed the English power, the surer seemed its triumph, the more lukewarm,

doubtful, and divided was their support. The retreat of Winthrop and Phipps now dispelled their alarm, and brought them actively into the field. Several years of destructive and desultory warfare, in which the frontiers of New York and Massachusetts were wasted by the French and their bravest Indian allies, the Abenakis of Maine, and the horrors of sack, ravage, and massacre retaliated by the Five Nations upon the Canadas, were terminated or interrupted in 1696 by the Peace of Ryswick.

The Viceroy of Canada was skilful enough to conclude a separate treaty with the Iroquois; and when in 1702 the violation of the Spanish Partition Treaty and the recognition of James III. by France renewed the war, the Five Nations adhered to their engagement. The contest between Canada and New England for the sea-coast provinces of Maine and Acadia affected them as little as the claims of an Austrian Archduke or a French Prince to the Crown of Spain and the Indies. Their neutrality covered the Valley of the St. Lawrence, which had heretofore suffered so severely at their hands. The Abenakis, taking up the hatchet at the bidding of their French patron and paymaster and supported by French troops, burned, butchered, scalped, and kidnapped after the usual ruthless and purposeless fashion of American border warfare. The horrors of these campaigns of plunder and massacre, the participation of French officers in outrages forbidden by all the rules of civilised war, provoked such reprisals as the position of the parties permitted, and gave birth to a bitter and inveterate feud, a mutual hatred, which was never composed or allayed by treaties of nominal or temporary peace, and never appeased but by the final annihilation of the French empire in America.

In 1710 an expedition from England, with a body of New England militia, captured Port Royal, since called Annapolis, and reduced the greater part of Acadia (Nova Scotia). In the next year a still larger expedition attempted the capture of Quebec, to return, through the signal incapacity of its commander—the brother of the Queen's new favourite, Mrs. Masham—with disaster and disgrace.

At the Peace of Utrecht in 1713, while making everywhere else concessions which, after the victories of Blenheim and Ramillies, seemed extravagant, England, for the sake of her American Colonies, insisted on the retention of her Transatlantic conquests. Acadia and Newfoundland were left in her possession, and the boundary between New York and Canada was so drawn as to resign to the former the disputed sovereignty of the Iroquois territory. England had done her best for her dependencies; it was no fault of hers if the peace they enjoyed was precarious and nominal. For the atrocious border warfare of 1717-25, which raged on both sides with wanton and profitless cruelty, the American authorities were alone responsible. The French fomented disaffection in Acadia, and incited the Indian tribes to border raids and murderous outrages, through Jesuit missionaries of a very different class from those whose blood had been the seed of a Church unhappily more loyal to the Lilies than to the Cross. The Colonial Assembly of Massachusetts imitated the worst deeds of the enemy, and offered rewards of 10*l.*, 20*l.*, and 50*l.* for every Indian scalp. Perhaps the most important exploit of the war was the surprise and destruction of a Jesuit mission-village, with its pastor, Sebastian Rasles.

The Huguenot settlers of South Carolina on their part provoked, by encroachments carried out with true Calvinistic arrogance, a series of native feuds which hampered the growth of the Colony, and ended in the expulsion of the powerful tribe of the Tuscaroras. The latter, abandoning their southern homes, traversed the unoccupied Western wilds till they found refuge with their kinsmen beyond the Mohawk, by whom they were admitted to the great Confederation henceforth known as the Six Nations. On the other hand, the alliance contracted in 1780 with the powerful, peaceful, and comparatively civilised Cherokees—the occupants of the central highlands between the low countries bordering the Atlantic and the Mississippi, the Gulf and the Ohio Valley—interposed an effective barrier to possible French aggressions from the south-west.

Missionaries, adventurers, explorers, and traders had

carried the flag and influence of France across the narrow watershed that parts the two great arteries of the Continent, the systems of the St. Lawrence and the Mississippi, and a series of insignificant posts had been extended from the Lakes to the Spanish Main, before the name of Louisiana and the form of a colonial government were bestowed on a country in which Louis XV. had scarcely a thousand subjects. In 1717 that vast and fertile territory furnished a basis of seeming reality to the speculations of the famous John Law. The collapse of that gentleman's gigantic financial scheme—a bubble huger and more brilliant than the Darien or the South Sea Companies—belongs to French and not to American history. Not till 1732 did the Company he had formed finally restore its dominion over the Mississippi Valley to the Crown of France. The possession was burdened with needless liabilities and costly quarrels. The first act of the Royal Government was a wanton but successful attack on the powerful tribe of the Natchez, which was surprised and well-nigh annihilated. In 1736, the alarm excited by the preposterous 'earth-hunger' of a few restless officials involved the colonists in war with the Chickasaws; a war waged for the most part by Choctaw and Illinois mercenaries under French leadership. Desultory and sanguinary hostilities, after involving both parties in ruinous losses, ended in a French defeat and an almost ignominious peace. At its conclusion in 1740, Louisiana had some 5,000 white and 2,500 black inhabitants.

Meanwhile the population, power, and trade of Canada were steadily increasing, and French ascendancy over the tribes between the Ohio and the Lakes had been gradually extended and confirmed. The Governors of the English Colonies took alarm, and represented to the Crown that the rival Power was surrounding and enclosing them; had established herself at the back of the English settlements from New York to the Carolinas. To the cooler judgment of the Home authorities the alarm seemed extravagant and the danger remote. It must be long ere the feeble settlements and isolated trading stations of France, south of the Canadas,

could menace the continuous line of powerful and populous English colonies on the Atlantic. The very distances rendered direct attack from that quarter almost impossible. It was not so certain that the influence and the Indian alliances which the Canadian Government was diligently strengthening might not constitute a fearful peril to the Western borders in time of war; while in time of peace the Colonial trade with the interior was harassed and hindered by French interference, endangered by the hostile suggestions which inflamed the suspicious temper of the natives, and not infrequently arrested by the pretensions of French officials or the menaces and armed opposition of French competitors.

CHAPTER IX.

THE WARS OF 1744 AND 1755.

For America—No Peace attainable—War for the West—Braddock's Campaign
—Disaster—Operations on Champlain—Pennsylvanian Perversity.

THE War of the Austrian Succession reopened the strife between England and her ancient rival.

So far from being passively dragged into English quarrels, the Colonies were the real and conscious principals in the American struggle. If they might suffer more than England during its continuance, they were far more deeply interested in its objects; they must be the direct, immediate, and paramount gainers by victory. To New York and New England the French power in the north was a perpetual menace; Pennsylvania, Maryland, and Virginia were, as events speedily proved, as deeply and lastingly imperilled by the ascendancy of France among the native tribes that overhung their western frontiers. Experience had shown that no treaties of peace, no demarcation of boundaries, no pledges from the Most Christian King, no understanding with the Government of the Canadas, could ensure them against French intrigues and Indian ferocity.

France had surrendered Acadia only to keep both its French and its Indian inhabitants in ceaseless agitation and disaffection. She had fomented the native hostilities that had turned Maine into a desert. War let loose upon the English Colonies hordes of savages, avowedly organised and led by French officers and supported by French arms. Peace harassed them with murderous raids and forays, while precluding retaliation, prohibiting that only effective defence

which consists in striking at the heart of the hostile Power, and hampering direct reprisals against a foe who could always take refuge on territory claimed by France or her agents.

The Northern Colonies well understood the situation. Nothing but the conquest of New France, from Cape Breton to Detroit, from Frontenac to the Ohio, could give them lasting peace. Repeated disasters had not impaired their well-grounded belief that such conquest was within the power of the united Colonies, if backed by the troops and fleets of Great Britain.

The Treaty of Utrecht had terminated advantageously a desultory warfare, in which they had suffered much and achieved nothing. But the unsettled frontier had afforded excuse for acts and menaces which had kept alive a constant sense of impending danger. The Canadian Government had erected forts on the very border line of Acadia. The counter-measures of the English had brought the two parties within twenty-four hours of armed collision. Even the establishment of an English post at Oswego, on the southern shore of Ontario, though a legitimate and purely defensive step, had given occasion for threats and affronts which showed how strained and critical were the relations of the rival American Powers.

The French Viceroy acted while the constitutional Governors of the English Colonies were arguing and insisting on action, and the Assemblies debating bills of supply. Canseau was taken, and Annapolis¹ narrowly escaped. At last the New England militia were ready to act with the British fleet, sent to relieve them of their nearest and most pressing peril by the conquest of Cape Breton. The seamen behaved with their wonted energy and determination; the colonists with exception¹ steadiness and discipline; and the French commander with a weakness and timidity very rare in the military history of the *ancien régime*. Louisburg, hard pressed but strongly garrisoned, surrendered; and its surrender involved the submission of the province.

The Treaty of Aix-la-Chapelle, in 1748, sacrificed this sole

¹ In Nova Scotia, p. 98.

result of the war without securing even the benefits of a real and effectual suspension of hostilities. Indian tribes in the pay and under the influence of the Canadian Government harassed the British frontiers; and it was not long before the unsettled boundaries on the north-east, and conflicting commercial and territorial pretensions in the unoccupied West, brought the several principals into direct collision. Washington, charged in 1754, at the early age of twenty-one, with the critical duty of maintaining the claim of Virginia to the head waters of the Ohio, to the east and south of what is now Pittsburg in Pennsylvania, failed, as a more experienced officer might well have failed, both in diplomacy and in open hostilities. The French were too resolute to be cajoled or bullied, and too strong to be resisted. After one or two decided and even ignominious repulses, the Virginians were beaten in a decisive engagement.

Both the Home and Colonial Governments recognised that they must choose between active if not declared war, and a submission which would have given France undisputed possession of the West, and confined the English colonies to the narrow seaboard region between the Alleghanies and the Atlantic. In supporting the extreme claims and violent measures of its agents at Fort Duquesne—the name given to the entrenchment which commanded the junction of the Monongahela and Alleghany rivers, whose united waters form the Ohio—the French, or rather the Canadian Government had challenged the British empire to a new and decisive contest. By advancing a virtual claim to the whole unoccupied country, as far as the actual frontier-settlements of Virginia and Pennsylvania, it had staked the American dominions of France upon the event of war. France, not England, had practically pronounced that the co-existence of the two Powers upon a continent far larger than Europe was impossible.

No Prince of the House of Brunswick, no Minister responsible to a British Parliament, could have refused to lift the glove thus flung in the face of England. Neither George II. nor his advisers of the day were men of peace at any price.

Braddock, sent out as commander-in-chief, arranged with the Governors of the principal Colonies a scheme of operations whose worst weakness was its dependence on a promptitude, concert, and mutual loyalty and support which the Assemblies never displayed. Lawrence of Nova Scotia (Acadia) was to drive the French from the isthmus connecting that country with New Brunswick; William Johnson to dislodge them from their posts on Lake Champlain; Governor Skirley of Massachusetts to seize Niagara; and Braddock himself to recover the Upper Ohio. War had not been declared; but France, distrusting with reason the pacific language of the English Government, resolved to reinforce her troops in Canada. Admiral Boscawen intercepted a part of the squadron despatched for that purpose, and captured two frigates.

The first important action of the American campaign took place on July 9, 1755, at a point some few miles from Fort Duquesne. With the 44th and 48th British regiments, some Royal Artillery and Colonial militia, chiefly Virginian, under Washington, Braddock advanced through the forest, in the face of a hidden force composed of Indians and French troops thoroughly accustomed to Indian warfare. Gage, who commanded the English advance, seems to have lost his head on finding himself encountered by a heavy front and flank fire from an unseen foe. The advanced guard and flanking parties, for want of prompt support, were driven back upon the main body, and threw it into confusion. The 44th lost its colonel and some of its best officers, and, shattered by a fire it could not return, huddled together like a flock of sheep. The Artillery, pushing forward with heroic recklessness, searched the thickets in its front with grape and canister, but to no purpose. The guns and the men thickly gathered around them offered a splendid mark to an enemy undismayed by their random fire, and in a few minutes the battery was paralysed and almost annihilated. Braddock led the 48th again and again to the charge, till he fell mortally wounded. The regulars broke. The Virginian militia gallantly covered their retreat, but three-fourths of Braddock's force were killed, wounded, or missing. Colonel Dunbar, his

second in command, helpless and terrified, retreated or fled to Philadelphia, leaving the whole western frontier open to the enemy. The remains of the army, amounting to 1,600 men, were sent by sea to Albany, under the order of Governor Shirley, now commander-in-chief. The defeat of Fort Duquesne discouraged the provincial militia, who deserted by hundreds. It had a similar effect upon the Iroquois, who refused to support Shirley, remonstrated against his passage through their territory, and compelled him at last to abandon the intended attack upon Niagara.

Meanwhile, Lawrence had driven the French from all their positions on the Nova-Scotian frontier, and compelled them to take refuge in Louisburg. Johnson, a personal favourite with the Six Nations, secured the aid of 300 Mohawks, the very flower of their manhood, under their chief Hendrick. With these and some 5,000 Provincials, he marched to assail the French works on Lake Champlain. Encountered by a far inferior number of French regulars, militia, and Christianised Indians under Dieskau, one of the finest officers in the French service, his advanced guard were cut to pieces. His main body, warned by the distant firing, entrenched themselves behind a line of felled trees and baggage-wagons, which the Canadians and Indians dared not assault in flank, and which baffled the 700 regulars who again and again attacked it in front. Behind such shelter, as was proved at Bunker's Hill, at New Orleans, and throughout the wars of 1776 and 1812, the men of Massachusetts and Connecticut could hold their own against the best European troops. The French soldiers were shot down; their commander, already disabled, was desperately wounded by a ruffian whom Johnson dared not or would not punish. The Canadians and Indians retreated with little loss; but, halting on the first battle-ground to scalp the dead, were surprised and scattered by a reinforcement coming up from New Hampshire, just too late for the main battle. Johnson was too cautious to trust his militia in an assault on the strong and well-garrisoned lines of Ticonderoga at the foot, or Crown Point at the head, of Lake Champlain; and the

only fruit of his victory was the construction of two counter-works to cover the British frontier—William Henry, at the southern extremity of Lake George, a sheet connected by a broad channel with Champlain, and Edward, several miles further to the southward. Content with this, Johnson retired to Albany and disbanded his army.

The English Government commended and rewarded him; the colonists were furious. To them the general results of the campaign were disastrous in the extreme, and the victory which they claimed as their own had been so used as to mortify their martial spirit. Johnson's caution reflected, justly or unjustly, on their discipline and military capacity, and had scarcely contributed to their security. Virginia and Pennsylvania, especially the latter, were exposed to all the horrors of an Indian invasion.

The havoc and terror were as great as in Philip's War. Narratives of wholesale massacre, demands for support and succour, poured in from every quarter. The Governor of Pennsylvania was urgent, but the Quaker legislature would vote neither men nor money. 'The Indians might have been wronged; perhaps the French were in the right.' Like Governor Leete, they 'had tender consciences.' Safe themselves, they would neither fight nor pay for the defence of the border. They insisted on taxing the waste lands of the Penn family, knowing that the Governor's instructions precluded his assent; and on this pretext prevented for weeks the embodiment of a single regiment, the issue of arms, the enlistment of volunteers, the organisation of the borderers themselves. Half the province was in anarchy, the other half wasted with fire and sword, before the dominant party would postpone their factious politics to the pressing, imperative, appalling necessity of self-defence. At last, when the enemy were within three or four days' march of Philadelphia, they rather permitted action than took it. To save the credit of the province, they gave the name of militia to the self-embodied volunteers.

CHAPTER X.

THE ACADIAN EXODUS.

French Intrigue—Culpable Laxity of the English Rulers—Necessity—Expulsion of the Disaffected—French Justice and English Mercy—Cooling of Canadian Patriotism.

THE year 1755 was marked by an act of wholesale severity, for which it would be easier to find ample warrant in military law and history than precedent in English annals. When Acadia was ceded to England by the Treaty of Utrecht, the people were permitted either to emigrate or to enjoy the exercise of their religion, their domestic laws and usages, under English rule. With few exceptions they chose the latter alternative; and for forty years the plighted faith of their new rulers was kept, and the disloyalty of the Acadians endured with a patience and forbearance carried to the verge of criminal indifference. Their priests were the agents of the Canadian Government, which, through their influence, kept alive a groundless dream of reunion with the Canadas, a permanent discontent and disaffection, that ill required the indulgence of a Government whose lenity, consideration, and tenderness for the national sympathies and civil and religious liberties of its French subjects forcibly contrasted the exactions and abuses of their native administration.

The Acadians were a quiet, simple, unambitious, but unhappily a devoutly Catholic and abjectly priest-ridden people. Political intrigue, pastoral influence, spiritual terrors, threats, and even physical coercion were employed to foment discontent and disorder, outrage and anarchy. The more active spirits were enlisted, with Indian associates and under Indian disguises, in gangs which strove by midnight murders,

border forays, and every species of violence to prevent or retard the colonisation of the province by English settlers. The local Government had endured these things with culpable laxity. Not one of the priestly instigators, and scarcely any of the actual criminals, had been brought to justice.¹ The present generation knew the French *régime* only as a tradition. Not ~~one~~ the master or mistress of a household in ten remembered, as part of their own experience, the border wars or the English conquest. Every man and woman under five-and-forty had been born a British subject. On the renewal of war, a certain number of Acadians had been persuaded or coerced to follow the retreating forces of France, when these were driven from their frontier strongholds. They had been starved, cheated, ill-used, and would gladly have returned to the lighter yoke and far more honest and equitable treatment of an alien Government.

Le Loutre, the chief agent at once of the Society of Jesus and the Canadian Viceroy, belonged to that type of Jesuit which has made the Order so hateful to Protestants, and drawn upon them the distrust and frequent hostility of Catholic rulers; clerics more unscrupulous, savage, and profane than the vilest of laymen, priests whose spiritual power is valued chiefly or solely as an instrument of political intrigue. This man had been, for many years, the spiritual despot of the Acadians; using the Indians to terrorise, and the threat of refusing the sacraments to coerce them. Through his restless and unprincipled intrigues, the people had been kept in a ferment of disaffection, false hope, and irrational alarm for their religion and liberties, ready to lend a covert support to Indian forays or join a French invasion.

It was incumbent upon the authorities to put an end to the long agony of sedition and terrorism; to protect the loyal, and enforce upon the disaffected those obligations which had been formally acknowledged and practically evaded for more than forty years. The Acadians could no longer remain on British soil and under British jurisdiction, except as *bonâ fide*

¹ Parkman's *Wolfe and Montcalm*.

British subjects. The exemptions they had abused must of necessity be withdrawn; the oath of allegiance must be taken without reserve, and, in the defence of the province at least, its inhabitants must be bound, without distinction or exception, to bear arms under the British flag. The oath was tendered and refused; then, at the last moment, reluctantly and dubiously proffered. The English military Governor could no longer tolerate a hostile population in the frontier province of British America. He could hardly send them to reinforce the militia of the Canadas; and, with the power of New France overhanging the frontier, they could never be trusted.

But Great Britain was less immediately interested in the matter than New England. Between the British and French colonies there had grown up, in sixty or seventy years of reciprocal and ferocious hostilities, a hatred more bitter, ruthless, and vindictive than had ever existed between the mother countries. New York and Massachusetts had seen their frontiers wasted, their villages burned, their farmers butchered, their women and children carried into captivity by savages under Canadian leadership, furnished with Canadian arms and hired with Canadian money. To the personal feelings of all who had to carry out the scheme of wholesale expulsion, the measure was naturally painful. But the actor in the scene at Grand Pré, so vividly depicted by Mr. Longfellow, was not, as the poem suggests, an Englishman. He was a Colonial officer, the bearer of one of the oldest and most distinguished names in New England—Winslow of Plymouth. He it was who ordered the unsuspecting males of the community to muster at their church. He it was who from the altar proclaimed them prisoners, and announced the forfeiture of their lands, cattle, dwellings—of everything, in short, except their personal movables.

There was no intentional or needless cruelty. Every effort was made to keep families together. Even at the risk of revolt or escape, the destined exiles were allowed to remain on shore, under the guard of far inferior numbers, till transports supposed capable of carrying the whole body of each community

to its destination had been collected. The measure was unquestionably harsh. A majority of the sufferers were probably innocent. But it is difficult to say what other course the responsible officers could have pursued.

It is, at any rate, beyond doubt that the Acadians were the victims of French selfishness and treachery, of Jesuit coercion and intrigue, rather than of English severity. Their countrymen had used and betrayed them; their spiritual guides had made them the tools of unprincipled ambition, of religious and national animosity, and left them to their fate. Had the Treaty of Utrecht been loyally observed, had not persistent efforts been employed to deceive, mislead, and ruin them, the French Acadians would have multiplied and thriven in peace and content under a yoke far lighter than that of their native Prince. As it was, the exiles transported to English Colonies were better off than the fugitives who sought refuge under French protection. To the latter the promised lands were never allotted, and of the scanty supplies nominally assigned to them they were swindled by the unscrupulous agents of a corrupt administration.

Their experience, scattered as they must presently have been throughout the French provinces, doubtless contributed materially to that change of temper which is discernible during the next few years. Passively loyal to the last, the Canadian peasantry showed a reluctance to abandon their homes, to muster under Montcalm for the defence of Quebec, very unlike the spirit they had displayed in former wars, aggressive and defensive.² They acquiesced in the English conquest with a promptitude which signally contrasts the enduring and ill-requited patriotism of the Acadians. Not only did they reject contemptuously the proffered assistance of the revolted English Colonies, but even when France had allied herself with the rebels, when the flag of their native Sovereign was seen once more in American waters, they manifested no inclination to revert to their old allegiance. They had witnessed the reward of Acadian loyalty; they had learned from Acadian experience the true

² Parkman's *Wolfe and Montcalm*.

character of English government ; and, finding their religion and their laws respected, feeling their burdens enormously lightened, enjoying an administration incomparably purer, juster, and better than France had ever given them, they preserved a loyalty which England was wholly unable to enforce ; a loyalty which survived disaster and defeat, and stood fast when two millions of English blood and speech had renounced for ever the name and franchises of Englishmen.

CHAPTER XI.

THE CONQUEST OF NEW FRANCE.

The Policy of the elder Pitt—Slackness of the Colonies—Montcalm—His Foresight and his Victories—Driven from the Ohio and Cape Breton—Wolfe—Strength of Quebec—Its Fall—First Cherokee War—Peace—Fall of the French Empire in America.

IN the last year of peace the thirteen American Colonies, from New Hampshire, lately liberated from Massachusetts, to Georgia, had a population not far short of a million and a half. Massachusetts, the most powerful of the New England States, may have had 210,000, of whom scarcely 5,000 were negroes. The whole population of New England was about 440,000, of whom fewer than 15,000 were of African birth or descent. New York, New Jersey, Pennsylvania, and Delaware had 350,000 white, and perhaps 30,000 black inhabitants; Maryland about 150,000, among them 45,000 Africans; Virginia somewhat less than 300,000, of whom fewer than 120,000 were negroes; the Carolinas and Georgia 115,000 whites and perhaps 62,000 blacks.

In spite of the carnage in the Ohio Valley, the battles of Lake George, the expulsion of the Acadians, the capture of two French frigates on the high seas, the two countries were nominally at peace: the contest was confined to the American Continent, till the outbreak of the Seven Years' War brought France into the field as the ally of Austria, and induced England to adopt the cause of Frederick II. In 1756 war was at last declared. By this time the military administration and foreign policy of Great Britain had passed into the hands of the greatest of living statesmen; the one great War Minister who had directed her measures since the death of William III.

The elder Pitt was the first man to realise the paramount importance of the American conflict. He saw that the fruits of European victories must be reaped by England's Continental allies; that her interest in the German balance of power was doubtful and indirect; that Continental fortresses and Mediterranean islands, however precious as trophies of English valour, were but temporary prizes, sure, as a rule, to be restored or exchanged by the next treaty of peace. American conquests might become permanent additions to the Empire. More, by crippling or crushing the Transatlantic power of France, England would gain for her Colonies, if not for herself, an advantage far more valuable and substantial than any mere extension of a dominion already larger than she could turn to account. With the conquest of New France, her Colonies would gain a security even more perfect than the mother-country derived from her insular position and her command of the narrow seas. Nor did he dream that he might be spending her strength for the benefit of thankless and undutiful children; that the completeness and permanence of the protection given would but relax the allegiance hitherto enforced by a visible and conscious need of English guardianship; that fear of France was the chief, if not the sole guarantee of that loyal affection which the Northern Colonies formally professed for England.

Meanwhile the Colonial Governors strove in vain to induce the Assemblies to provide a common fund, or organise a common system of self-defence. Recent operations, like those of former wars, had been marked by a slackness and deficiency in mutual co-operation by no means creditable to the spirit or sense of the Colonies. The war had been thus far a war of mere self-defence, in which the Colonies were primarily and profoundly, England but nominally and indirectly interested. Yet not only had the mother-country sent fleets and regiments to protect her American provinces—she had paid them liberally for defending themselves. Her generosity was worse than thrown away. Instead of stimulating, it relaxed the energies of those who, while ready enough to fight, were re-

luctant to pay. Pennsylvania, as deeply interested as Virginia herself in the disputed valley of the Ohio—which afterwards claimed and obtained most of the territory for which Braddock and Washington had fought—had left Virginia and England, with some little support from New York, to fight the battle; had made no offer to share the cost, and was with difficulty induced, at the last extremity, to provide for her own defence. Her sole exploit was the surprise and massacre of a band of Delawares, for which easy feat the leader received extravagant applause. The Northern Colonies, by no means inactive in the field, were more active and zealous still in disputing among themselves the distribution of the burden. Each was so jealous of her neighbours, so anxious to overreach them, so disposed to exaggerate their liabilities and minimise her own, that no common agreement, no general scheme of action, was possible.

Paid by England for fighting their own battles, the first effort of the Colonies was to refuse quarters to the troops she sent to defend them. By a strange travesty of the principle laid down by the Bill of Rights—the doctrine that no standing army can be maintained by the prerogative alone, without the sanction of Parliament—the Assemblies actually disputed the legality of an army paid, disciplined, and employed by force of Parliamentary statutes. In short, they perverted the assertion of a right exclusively vested in Parliament into a denial of that right as exercised by Parliamentary authority! The royal officers were justly indignant. English commanders were not likely, in deference to the overstrained and thankless constitutional jealousies of the colonists, to take their chance of such quarters as they could purchase, to lavish English money in satisfying colonial avarice, still less to expose their troops to the hardships of a semi-arctic winter under canvas. In one or two cases compulsion was actually employed; and, warned by those examples, the Assemblies were at last induced to provide, with affected alacrity, shelter and supplies for the troops whose presence they had eagerly invited.

The responsible representatives of the Crown pressed

eagerly for peremptory interference; for the creation by Parliamentary authority of some such system of collective defence as the Colonies refused to provide, and a due apportionment of levies and contributions. By universal admission, no power but that of Parliament could achieve these ends. The three Southern provinces, remote from danger, showed no disposition to support or assist those upon whom the brunt of the conflict must fall. New Jersey, equally sheltered, was almost equally selfish. The necessity was urgent. The numerical strength and military resources of the Canadas were far inferior to those of the British Colonies. The Viceroy could hardly put into the field one white soldier or militiaman for five whom, with less effort and sacrifice, his opponents could muster. But the inferior force was wielded by a single hand, which could strike secretly, sharply, and heavily before a dozen divided, disorganized, and often half-hearted authorities had ceased squabbling and sanctioned the first preparations for war. De Vaudreuil, the Governor-General of New France, was a corrupt, egotistic, intriguing and grasping official. But the military forces of which he had the formal control had been placed under the immediate command of a capable, resolute, and independent chief, with whose military measures his nominal superior was seldom allowed to interfere.

The Marquis of Montcalm had no opportunity of proving himself the equal of the great European commanders of whom his country is justly proud; of Condé or Turenne, Luxemburg or Berwick. But in her distant dominions in India or America, in commands considered as of secondary importance, France never employed his equal. To the chivalry, brilliancy, and daring of the typical French captain, Montcalm united the promptitude, the quick and accurate insight, the resource, energy, and adaptability of a consummate military genius. He understood very quickly the character of the war he was called upon to wage, the advantages and dangers of his position, the value and the weakness of the various elements of his command. He was well qualified to make the most of the patient and hardy Canadian militia.

as of the regular soldiers of France, or the Indian hordes who crowded to his standard. Over the latter he possessed an influence such as no other European leader has ever acquired. His tact, his energy, his personal ascendancy commanded their enthusiastic admiration. He managed to divide, almost for the first time, the Six Nations, till now the vigilant and unforgiving enemies of France, if not always the firm or trustworthy allies of England. Nearly half their number promised neutrality: not a few actually engaged to serve under the Lilies. The Commander-in-chief speedily realised their character—efficient, under such a leader, as scouts, foragers, guerrillas, capable of detecting the enemy's movements and covering his own, active skirmishers and serviceable light infantry; but undisciplined, unsteady, impatient of control, irresolute in face of an entrenched or superior enemy, easily wearied or discouraged, and sure, in disaster or retreat, to desert by thousands.

The Canadians were militia, not soldiers; and the regulars, though of excellent quality, were too few to sustain, with no better aid, a prolonged war against vastly superior forces. Montcalm's despatches show how clearly he realised the immediate strength and the ultimate weakness of New France. He could strike at the outset as and where he would; could rely on surprising and overpowering the gradually gathering forces at first opposed to him. But unless vigorously supported and reinforced from home, it was impossible, as he repeatedly warned the Ministers of Louis XV., that the local resources of the Canadas could long hold out against those of the British Colonies. Their first defeats and sufferings would but invigorate the counsels, consolidate the strength, and harden the resolution of the latter. If policy or fortune should place their forces under competent command, the conquest of the French provinces would be at most a question of time, and no very long time. After impressing this view upon the French Ministry, Montcalm began the war in the spirit of a General conscious of a decisive superiority. His method and his achievements prove that he had measured aright the quality

of his antagonists; that their incompetence, inertness, and timidity formed an essential element in his calculations. The Earl of Loudoun, appointed to the command-in-chief, Abercromby and Webb, his subordinates, were men of rule and theory, drilled in the slow and methodical tactics of their youth, wholly devoid of originality and incapable of understanding the utterly different conditions of the warfare in which they were now engaged. Their want of enterprise, their reliance on centralised forces and heavy columns, on artillery and entrenchments, left the long, open, straggling frontier defenceless against more rapid and vigorous tactics; irritated the colonists, disheartened the militia, and disgusted their Indian allies. It may be that, in a war of maps and counters, their superiority was manifest; that the strategy of Montcalm was irregular and theoretically unsound. But—his movements screened by impassable waters and pathless forests, his communications secured by well-known navigable rivers, while the enemy must drag their artillery across a roadless country—the French commander ignored the superior forces which could not reach him till his work was done. His rapidity, his daring, and his signal success seem utterly to have dismayed and confounded his antagonists.

While they were fortifying Albany and Halifax, and raising that regiment of Royal Americans now represented by the 60th Rifles, Montcalm pounced upon Oswego, and within a few days compelled its garrison of 1,600 men to capitulate. One hundred cannon, six ships, some hundreds of boats and large stores of ammunition and provisions fell into his hands. The summer of 1757 was signalised by a sudden and heavy, but not decisive, blow. The western shores of Lake Champlain and Lake George were divided, Ticonderoga and Crown Point securing to the French the command of the northern lake and the river connecting it with the St. Lawrence, while the recently-constructed forts of Edward and William Henry, the latter situate at the foot of Lake George, covered the nearest route to the English Colonies. With a force uselessly and, as the event proved, dangerously swollen by a multitude of

Indians, Montcalm suddenly surrounded and invested Fort William Henry and the entrenched camp beside it, held by Colonel Munro with a force numbering some 2,200. The story and the result of the siege are well told in Cooper's best and most popular novel.¹ Webb, with 5,000 or 6,000 men, lay cowed and inactive at Fort Edward; Munro, despite the timid and despondent counsels of his superior, maintained his position till half his guns were burst and his ammunition well-nigh exhausted.

The chivalry of the victor permitted an enemy, the stubbornness of whose defence had placed them at last absolutely at his mercy, to retire with all the honours of war. But Montcalm had invoked a power he could not control. As soon as the gates were opened, the Indians rushed in and butchered the sick and wounded. As the English marched out with empty muskets, and embarrassed by their baggage and non-combatants, the savages, half drunk and thirsting for blood and plunder, enveloped, broke, and pillaged the helpless column; scattered the soldiery, murdered men, women, and children, carried hundreds into captivity—most of whom were afterwards ransomed by the French—and drove the rest, hustled, stripped, and terrified, to seek safety in flight or in the French camp. The French General interposed, pleaded, remonstrated, threatened, but utterly failed to redeem his plighted faith. Only one measure would have sufficed; and to fling a line of soldiers, with loaded muskets and fixed bayonets, between the murderers and their victims, was to alienate for ever the Indian allies of France. This sacrifice of national and personal honour to political interest, the massacre of his prisoners in the sight of his armed and passive battalions, has left an indelible stain upon the otherwise splendid fame of Montcalm.

Pitt, justly indignant at the tidings of such a disgrace, sustained at the hands of an inferior enemy through the supineness of the English commanders, insisted on Lord Loudoun's recall; and, while allowing Abercromby to retain

¹ *Last of the Mohicans.*

the command-in-chief, sent General Amherst and General Wolfe, with a fleet under Admiral Boscawen, to reduce Louisburg and Cape Breton; entrusted the invasion of the Ohio Valley to General Forbes, and ordered Abercromby to avenge the capture of Fort William by marching on Ticonderoga and Crown Point. He thus struck at once at all the outlying dependencies of New France, intending to drive her forces back upon the St. Lawrence, and reserving for the next campaign a final blow against the centre of her strength.

Commanders inspired and chosen by the greatest of English war ministers did their work well and vigorously. Louisburg fell, Cape Breton submitted; a single blow wrested from France the possessions which menaced New England from the north-east. Abercromby with 16,000 men, of whom 9,000 were provincials, moved upon Lake Champlain. He found Montcalm strongly entrenched on the south of that lake, upon the outlet connecting it with Lake George. Wholly underrating the strength of the improvised entrenchments held by fewer than 4,000 men, without even attempting to bring up his artillery, the English commander flung his regular troops, supported by the militia, upon the intact fortifications, under a fire to which they could make no reply. After nearly four hours of hard and hopeless fighting, with a loss of one-third of their number, the regulars gave way; and the provincials, who had borne little or no share in the attack, seeing the soldiers beaten, retired in confusion. Meanwhile a considerable force, under the colonial General Bradstreet, surprised, captured, and destroyed Frontenac, the French position at the foot of Lake Ontario; an exploit of almost inglorious facility, but of signal importance. Forbes, with some 2,700 Pennsylvanians, 2,000 Virginians, and a small regular force, marched upon Duquesne. The advance, led by Washington, found the fort, and with it the upper valley of the Ohio, abandoned by a garrison too weak for effective resistance.

At the commencement of 1759 France retained only her positions along the St. Lawrence and the lakes—a line weakened and broken by the fall of Frontenac—and her

powerful fortresses on Lake Champlain. Montcalm, appreciating the character of his new antagonists, and anticipating the strategy that struck at the heart of the enemy, had mustered the whole available forces of the Canadas, leaving none but women, children, and old men to reap the harvest, and concentrated his strength upon the vital points, the cities that commanded the St. Lawrence. Amherst, now Commander-in-chief, advanced with some 11,000 men and an efficient if not powerful artillery upon Ticonderoga. The French fell back before him, abandoning both Ticonderoga and Crown Point; and finally, entrenching themselves on the Isle des Noix at the upper end of Lake Champlain, covered the route by which Amherst should have marched on Quebec or Montreal.

Admiral Saunders and General Wolfe were now in front of the former fortress, occupying the Isle d'Orléans and the left bank of the St. Lawrence. The fleet commanded the river; the land force, less than 10,000 men, was obviously inadequate to the reduction of a matchless natural fortress held by superior numbers. Amherst should have understood that the issue of the war was to be decided before Quebec. The conquest of the Canadas carried with it the dominion of the Continent, rendering fortresses and entrenchments needless; no frontier defences, however strengthened, could compensate the Colonies for the defeat of Wolfe, or secure them against the blows of Montcalm's victorious army. But to force the position in his front Amherst wanted boats and rafts; and instead of devoting all his resources to the instant preparation of the flotilla, he wasted power and, what was of inestimable value, time, in repairing and reinforcing the defences of the abandoned forts. Wolfe or Montcalm would have pushed on to the central object of the war at almost any cost or sacrifice; but Amherst's course was that which a commander of skill, energy, and resolution, lacking the breadth of view, the clearness and keenness of insight that belong to martial genius, might naturally adopt. He may have doubted whether, in any case, he would be in time to render effectual assistance in the vital conflict. To march upon the lower

St. Lawrence till the Isle des Noix was taken was impossible; to advance upon Montréal, leaving that position in his rear, would have been doubly hazardous. It could scarcely have contributed to the fall of Quebec, while, in case of defeat, his retreat would have been imperilled and the frontiers of Massachusetts and New York left without defence. It was not till the middle of October that he was ready to move, and long before that time the decisive blow had fallen.

From the Isle d'Orléans and from the opposite bank of the river, which here suddenly narrows from four or five miles to one, it was easy to bombard or destroy but impossible to take Quebec. The loyal co-operation of the naval commanders, the undisputed ascendancy enjoyed by the young General, failing to secure success or even to bring it within reasonable prospect of attainment, cast a heavy load of unshared responsibility on his spirit. The tremendous and unforeseen difficulties of the enterprise, however vividly realised by all who had shared his daily reconnaissances and nightly councils, would never be appreciated at home. Defeat would bring upon him reproach, taunt and imputation of the kind which, to his sensitive and soldierly pride, was most utterly intolerable. Early and rapidly promoted, selected for a command of supreme importance by the personal confidence of the Minister, failure would ruin his reputation and damage his patron; would place him in the odious position of one advanced by favour to a height he had not earned, charged with responsibilities of which the result would be held to prove him unworthy. Repulse must from the first have seemed to so consummate a soldier eminently probable; and the more thoroughly the situation was scanned, the more forcibly its extreme difficulties were brought out by reverses and disappointments, the closer came the likelihood of ruinous disaster.

Quebec was covered to the east by the shoals under the left bank of the widening river, on the north by the St. Charles, which enters the main channel immediately below the city. Along the left bank of the St. Lawrence, for miles

above the town. (which lay partly at their foot and partly on their slope), rose the impracticable Heights of Abraham. At no point could those Heights be ascended in the teeth of a defending force, however small. For some miles below the St. Charles stretched another line of rugged cliffs known as the Heights of Beaufort, immediately below which the Montmorency leaps a precipice of some 300 feet to join the St. Lawrence. Along those cliffs from the St. Charles to the Montmorency, his communication with Quebec secured by a bridge of boats over the former river, Montcalm lay entrenched.

His force of some 16,000 men consisted partly of regulars, partly of Canadian militia more trustworthy behind works than in the field; nearly all men of military age having been swept into the ranks. But this force was presently weakened by an alarm which compelled Montcalm to detach a brigade in the direction of Montreal. Still Wolfe, landing below the Montmorency, found himself confronted by a force numerically superior, behind well-constructed entrenchments, in a country which he justly described as perhaps the strongest in the world; his rear and right flank constantly threatened by Indians and irregulars sheltered in an impenetrable forest. To take the offensive in the open field with 9,000 English soldiers against 14,000 French and Canadians, Wolfe would not have hesitated for a moment; to attack so superior an army behind defences which rendered militiamen as effective as regulars was an adventure hazardous in the extreme.

Yet this, and not less, the expedition was sent to do. Pitt, if he had not relied on Amherst's support, had doubtless conceived that the English command of the river, up which the inferior fleet of France had withdrawn beyond risk of conflict, would countervail any inequality in the respective land forces. But a position so lofty, closely overhanging the water, was inaccessible to the fire of the fleet. The skill and courage of the seamen were only displayed in the defeat of more than one energetic effort to destroy them by means of fire-ships and burning rafts. To cross the Mont-

morency and force the French works was found absolutely impossible. One attempt was repulsed with heavy loss ; and no feint, no movement of the fleet or army, could draw Montcalm from his impregnable and indeed unassailable position. Only by wresting from him the command of one or the other range, only from the Heights of Abraham or those of Beaufort, could the English reach their objective. To force the latter was, as Montcalm had judged and Wolfe had proved, impossible. The precipices which guarded the former, though watched only by a few scattered posts, seemed hopelessly inaccessible. Wolfe and the naval commanders had reconnoitred the stream for miles above and below the city, without finding an available point of attack ; while a harassing guerilla warfare in his rear had driven the former, much against his will, to severe reprisals.

The daring and sanguine General began to despair. September had arrived ; the winter was approaching ; and he was no nearer to his object than when he seized the Isle d'Orléans in July. On the 2nd, and again on the 9th of September, his despatches and private letters were such as to prepare the Government for bad, and possibly disastrous, tidings. He had striven to disturb Montcalm by feints and reconnaissances directed against the Heights of Abraham. But both Generals concurred in regarding them as impregnable ; and these detected manœuvres doubtless contributed to the security of the French commander and the success of the final adventure.

Wolfe discovered on September 12, 1759, two miles above Quebec, a path by which but two men abreast might hope to reach the broad plateau on the summit. This path was known to Montcalm, and the Heights were guarded at that point by a strong company of Canadians, capable of maintaining them at least till reinforced from the camp beyond the St. Charles. Quebec and the posts above it received occasional supplies by means of a French flotilla of boats creeping at night under the shadow of the cliffs. Profiting by this, Wolfe that night embarked a strong force and attempted to surprise

the one accessible—it cannot be called the weak—point he had detected. The first party missed their point by a few yards, but, inspired by the indomitable courage and desperate resolve of their leader, scrambled up the precipice on hands and knees, while a few minutes later their comrades scaled the path. As Wolfe had hoped rather than expected, the Canadians were taken off their guard, overpowered and scattered. The English made good their foothold, were rapidly reinforced from the opposite bank, to which the greater part of their force had been transferred; and, before the alarm had reached the French camp, 5,000 men had taken up a strong position on the Heights. That position was still a dangerous one. A detached French force lay at some distance in their rear. Nor, apart from this peril, could they stretch their line completely across the plateau. When Montcalm, with equal or superior numbers, had crossed the bridge and gained the summit, he found them drawn up *en potence*—their right flank resting on the river heights, their main body fronting the approaching foe, their left ‘refused’ or thrown back at an obtuse angle. Wolfe had gained the object of three months’ planning and manœuvring; had compelled Montcalm to stake the fate of Quebec and probably of the Canadas on the issue of open battle.

The fight was well contested and sanguinary, but decisive. Both Generals were mortally wounded, the second in command on either side disabled. Wolfe, sinking into the torpor of death, was roused by the exclamation of an aide-de-camp, ‘They run! they run!’ ‘Who run?’ inquired the dying General; and on being told ‘the French,’ gave orders for a movement to intercept their retreat; orders which were not executed or missed their purpose. Montcalm inquired how long he could live. On being told, not twelve hours, ‘Thank God,’ he said, ‘I shall not live to see the surrender of Quebec.’ De Vaudreuil, the Viceroy, has been blamed for the precipitate capitulation of the town; but these last words of a soldier who never despaired till hope was madness fully acquit him.

The English garrison left to hold the conquered capital were

assailed in turn by a superior French force. General Murray imprudently marched out to give them battle, and sustained a severe defeat, with the loss of all his field artillery; but held out the defences of the town with a tenacity and energy which more than atoned for the error of excessive courage. Next spring witnessed the capture of Montreal. Niagara had already fallen; and by the end of 1760 the whole of the St. Lawrence, all the possessions of France on the coast and along the Lakes, were in the hands of England.

Among the most powerful and most civilised Indian tribes of the south were the Cherokees, who occupied the highland country between the seaboard settlements of Carolina and the scattered French stations in the Mississippi Valley. Firm allies of the English, setting a high value on their trade with the British colonies, they were, like all Indians, involved from time to time in squabbles arising out of the greed and lawlessness of the frontier traders or squatters, or from reprisals which these provoked. Taking up one of these quarrels—against the advice of his Assembly and his Georgian colleague—Lyttelton, the Governor of South Carolina, determined on war, and precipitated it by the detention as hostages of twenty-four chiefs whom he invited to a conference—a treachery less atrocious than some that have even within living memory occurred in the far west, but utterly unworthy of an English officer.

The outrage was aggravated by the subsequent murder of the captives by an infuriated Colonial garrison. The war was protracted, desultory, and destructive. The well constructed, beautifully situated, and long settled villages of the Cherokees were burned. The cultivated fields were wasted; the furniture, clothing, watches, weapons, and other cherished possessions, which attested at once the extent of their trade and their advance in civilisation, were seized or destroyed. On the other hand, an English fort, abandoned to its fate, capitulated, and the slaughter of twenty-six of the prisoners avenged the treachery of Lyttelton. Several expeditions retired ignominiously from inglorious ravages and doubtful victories;

and the tribe—disappointed of the French support which, when wantonly attacked by the English, it had reluctantly sought and confidently expected—at last sued and obtained peace on terms which it would willingly have accepted before the outbreak of hostilities. The only result of a costly and dishonourable war was to teach the southern tribes that they could neither rely on the help of France nor hope to resist the power of the English Colonies; a lesson which would in another year or two have been learned without bloodshed.

Left to herself, France must have been driven to sue earnestly and loyally for peace. To regain her lost American possessions was hopeless. Louisiana lay at the mercy of the conquerors of Canada. Her West Indian islands were likely to share the fate of Cape Breton. No European successes could retrieve her position, and, now that the strength of England could be concentrated in Germany and the Mediterranean, new and crushing disasters were much more probable than countervailing victories. Under the guidance of the ablest successor of Louvois and Colbert, France found herself hopelessly overmatched by England under the rule of the elder Pitt. The 'Family Compact,' as it is called, gave her a reinforcement which encouraged Choiseul to renew the struggle. Spain had nothing to gain and much to lose by interposing on behalf of a beaten ally, and challenging the enmity of the first of maritime Powers. But personal, dynastic, and national sympathies and grudges were too strong for policy and prudence.

The altered tone of the French negotiators gave the first clue to their secret. In the midst of a several and preliminary transaction, which was to settle the separate issues between France and England as the basis of a general pacification, the French Minister suddenly presented, as part of his case, a list of Spanish claims. The Spanish Minister interfered on behalf of France. Pitt replied to both with a stern but perfectly righteous contempt. The House of Bourbon desired to amuse and cajole Great Britain till the Spanish treasure ships should have crossed the Atlantic in safety. Pitt laid

the evidence of the 'Family Compact' before the Cabinet, proposing to break off negotiations of whose delusive character there was no further doubt, and to anticipate the Spaniards by immediate and active hostilities.

But the young King was anxious for peace. Bute, his Groom of the Stole, just introduced into the Cabinet, hoped to eclipse, by terminating a 'bloody and expensive war' (as he had induced his royal master to call it in his first speech to the Privy Council), the fame of the great statesman who had waged it with such signal success.* Newcastle, the leader of the great Whig families, deserted the colleague of whom he had long been jealous; and Pitt and his brother-in-law, Lord Temple, finding their policy overruled in the Cabinet and unfavourably regarded at Court, at once resigned. A few weeks sufficed to vindicate that policy beyond doubt or question. The treasure ships arrived in safety, and Spain dismissed our ambassador and recalled her own.

But the services were still what Pitt had made them. The officers of his choice commanded the British fleets and armies, and his military schemes survived his overthrow. The fall of Havannah, the strongest fortress that bore the flag of Castile, believed by French and Spanish engineers impregnable—a victory achieved by an inferior force, in spite of climate and disease, of natural and artificial strength—and the capture of the Philippines, brought the Spanish Government promptly to its senses. The seizure of Belle Isle, a French Isle of Wight, warned Choiseul that by protracting the struggle he ran imminent risk of fresh disasters and harder terms.

Bute and his colleagues were, for personal and party reasons, no less eager for peace than their opponents, to whom peace was a political, financial, and military necessity. From a Government so disposed the Allies obtained better terms than the events of the war, their repeated and disastrous defeats, and a *status quo* under which England had nothing to ask and everything to offer, entitled them to expect. Cuba, which with the fall of Havannah became virtually an English conquest, was exchanged for Florida; the most valu-

able for the most worthless of Spanish possessions. This, with the final surrender of the Canadas and of the possessions of France on the left bank of the Mississippi, gave England the whole American continent east of that river, and in so doing but imperfectly recognised the facts as they stood. For, after 1760, England had but to stretch her hand to seize the remaining possessions of Spain and France on the North American Continent, and even in the Gulf of Mexico.

These conditions might be fittingly proffered by a young and chivalrous Prince; they were not such as statesmen and diplomatists had a right to grant. George III. might be magnanimously reluctant to bear hard on a beaten foe. He might think that a peace rigidly adjusted to the results of the war—a treaty ignominious and humiliating to both branches of the House of Bourbon—could afford but a precarious truce; would drive them to watch for and seize the first chance of renewing the war under more advantageous conditions. But no such generous illusion could be ascribed or forgiven to men like Grenville, Bute, and Bedford. They must have known what the event proved—what statesmen, from Louis XIV. to Prince Bismarck, have always recognised—that chivalric generosity and international clemency have no proper place in diplomacy. The House of Bourbon could not have been more bent on injuring and humiliating their triumphant rival, on seizing the first opportunity to avenge their territorial losses and the dishonour of their arms, if England had insisted on the *status quo* of 1762, had retained Havannah and Manilla, Martinique and Belle Isle.

CHAPTER XII.

COLONIAL POLITICS.

Influences that formed the distinctive character of the several Colonies—
Extravagances of Democracy—Usurpations of the Assemblies—Colonial
Disaffection—English Incredulity.

THERE was from the first a marked distinction in the character of the different Colonies, as well as in the form, origin, and method of their governments. The charter of William III. gave to the Crown the appointment of the Governor of Massachusetts and a veto on her legislation; but the Governor could do little without the support of the Council; the Council was named by the Assembly, and the majority of the Assembly remained stiffnecked and stubborn as in the days of Winthrop and Endicott, and incomparably more unmanageable, being no longer controlled by respect for the responsible rulers of their Commonwealth. Connecticut and Rhode Island had regained, on the fall of Andros, the extreme republican liberties granted by Charles II. New York and New Jersey, as conquered provinces, were according to the theory of English law Crown dependencies, without rights save such as the Crown might grant by the capitulation, or of its own good pleasure. New York, half Dutch, half Puritan, and essentially republican, was deeply affected by the neighbourhood of the New England Colonies: modelled her political pretensions on their chartered liberties, imitated their tone of confident self-assertion, and had long since wrested from the ill-supported representatives of the Crown a larger measure of self-government than she knew how to use. Practically she was as free as Massachusetts, with less of Puritan bigotry on one hand and of Puritan shrewdness and self-control on the other; more

petulant and factious in everyday trifles, more disposed to compromise the graver issues which might imperil her mercantile interests. With no distinctive interest or character of her own, New Jersey was little more than an appanage of New York, exempt from the dangers and burdens, and disposed in civil politics to follow the lead of her more powerful neighbour.

The constitution granted by Penn made his province a democracy, while the temper of a sect yet more factious and less sober than the Puritans made its government all but a nullity. His heirs appointed the Governor, with a legislative veto and an initiative in administration; but all substantial power was vested in the Assembly. Professing profound reverence for Penn's memory, the Quakers grudged the little share of wealth and authority which he had reserved to the inheritors of his name and rights. Virginia was prosperous and contented under royal, as Maryland, on the whole, under her proprietary government. The Lords Baltimore were feudal princes almost independent of the Crown, and enjoying most of its prerogatives; with a settled revenue which, after paying the salary of the Governor, yielded them a permanent income of some 6,000*l.* a year. Under their constitutional rule the local legislature exercised the functions of an English Parliament, uncontrolled by the royal and aristocratic influences so powerful in the mother country. Both in Virginia and Maryland the Church of England was the established religion; but its actual privileges were closely limited by the state of colonial society and local opinion. The nominal proprietaries of the Carolinas, after a desultory struggle of some fifty years, surrendered to the Crown a jurisdiction they had found it practically impossible to exercise. The northern Colony, peopled chiefly by refugees from law, justice, and order in the more settled provinces, had scarcely anything that deserved to be called a government. Such as existed was practically monopolised by the Assembly, which fixed by its own authority the quit-rents payable by its constituents, and would not permit the Council to amend the rent-roll thus settled by one

of the parties in its own interest. Protestant refugees from France and Germany, in whom persecution had engendered a fierce impatience of all rule, a spirit of inveterate antagonism to all authority, formed perhaps the most influential element of the population of South Carolina. In political temper the two Colonies were much alike. The society of the southern province, with its semi-tropical staples, its large plantations, its considerable slave population, differed, as throughout its history, from that formed by the descendants of the disorderly, self-dependent yeomanry of North Carolina.

Another body of proprietors, of whom Oglethorpe was the most active member and the local representative, obtained from George II., in 1732, a charter under which the colony of Georgia was founded. With the autocratic disposition so common in philanthropic enthusiasts, quickened by a not unfounded distrust of the tendencies of English colonists in a southern climate, Oglethorpe assumed and retained for many years a virtually despotic authority. Such an authority was maintained with comparative ease in the infancy of the settlement, while its subjects consisted of emigrants selected by the founder and transported at his expense, or of Lutheran refugees from the persecution of the Roman Catholic Prince-Archbishop of Salzburg. As the Colony grew in prosperity, strength, and self-reliance, the yoke was gradually evaded, curtailed, and finally shaken off. One of the principal and least successful of Oglethorpe's objects was the exclusion of negro slavery. Within the first two or three years a petition for the admission of slavery was addressed to his partners, and in no long time the common interests of the colonists and the African traders broke down the obnoxious regulation, and the slave came at length to equal the free population of Georgia.

The first Puritan colonists of New England were, after their own fashion, an eminently law-abiding race. Intolerant of control from without, rebellious against royal or episcopal authority, they were equally intolerant of intestine license, impatient and contemptuous of individual liberty. Their ideal

polity was a searching, severe, all-embracing civil and religious despotism, a despotism which we may call oligarchical or democratic as we regard its internal or external aspect; a democracy exclusive as those of the ancient world, an oligarchy not of the Free-born but of the Elect. That polity was sustained through two or three generations, partly by conviction and tradition, partly by sectarian jealousy and political antagonism. While the Church was identified with the Crown and the authority of England, Puritan strictness was a point of local patriotism, a token of independence, a party badge, a symbol of political not less than of ecclesiastical revolt. But the Revolution severed the close ties between the Crown and the Church. Latitudinarianism and Low-Churchmanship were in exclusive favour at Court. The flame of sectarian bigotry was no longer fanned by political disaffection. Puritan sanctimony was therefore no longer identified with colonial self-assertion. From the commencement of the eighteenth century began the gradual divorce between sectarian theology and political Liberalism. The colonial impatience of authority gradually extended to the claims of the ministry and of the Church, and Puritan respect for law, Puritan Conservatism, gradually ceased to distinguish Massachusetts and Connecticut from New York and Pennsylvania.

Virginia and Maryland alone preserved visible traces of the loyalty, moderation, and English patriotism which were the proudest traditions of their cavalier ancestry. They alone settled a regular revenue on the Government, assigned permanent salaries to executive and judicial offices, and maintained the constitutional division of authority between the Governor, the Council, and the Assembly. Everywhere else, the strength of the several depositaries of political power was wasted in mutual conflict. The financial jealousies of the Assembly paralysed the action and invaded the province of the executive. The Governors were in constant hostility with their exacting, encroaching, and niggard paymasters: the Assemblies saw, after the manner of Parliaments, in requisitions for military support from England or from sister Colonies, even

in the immediate necessities of self-defence, opportunities of wresting new political privileges from the embarrassed Governors. The latter, when men of experience and veteran public servants, as most of them seem to have been, had just the practical instincts, the business knowledge, the economic and official training, which should have warned and guided a Legislature consisting of inexperienced provincial politicians, corrected their narrow views, and enforced on their ignorance the fundamental maxims of sound policy and safe finance. But the Governor was sometimes a mere courtier, always a champion of royal authority and English claims, and his counsel, good or bad, was naturally distrusted and set aside.

The dangers of unbridled democracy were aggravated by the absence of a class possessed of hereditary wealth, culture, and leisure. Every man had a 'common school education;' none had or could have the higher education of travel and society, of commerce with men and gradual initiation into great affairs. The Colonies blundered, again and again, into grave political disaster for want at once of the statesmanlike guidance under which the English Parliament acted, and of the sound political instincts which the breadth of its survey and the habits of discipline and deference had instilled. For example, with the single exception of Virginia, every Colonial Assembly sought a financial resource in the issue of paper money. The injury to creditors seemed, to the many, a trifling evil if not a positive recommendation. The delusions of currency theorists, scarcely yet eradicated from the minds of dreamers in Europe, ran riot in communities which had no economic traditions and established maxims to guide them. Specie was driven out, the paper rapidly depreciated by fresh issues, and at last either repudiated or paid off at a fraction of its nominal value. Not only the Carolinas, Pennsylvania, and New Jersey, but Massachusetts, Connecticut, and New York fell, one after the other, into financial ruin and insolvency. Virginia preserved her honour inviolate: there only public and private obligations were strictly respected; her circulating medium alone retained a constant value. Virginia excepted,

the correspondence of the Governors with the Home Ministry is full of reasonable complaints, of well-sustained reproaches, of mournful or angry reference to the disloyal spirit and persistent insubordination of the Colonial Assemblies, and of warnings passionately contradicted on the spot, disregarded at home, and fulfilled to the letter. The salaries not only of executive officials of every rank but even of the chief Judges, were enlarged, cut down, or withheld as their decisions were conformed to the views of the people and their representatives, or to the law.

It was not until, for more than half a century, the dignity and independence of the Bench had thus been invaded and lowered by popular coercion, not until this obviously objectionable pressure and the wilfulness of colonial juries threatened to nullify the authority alike of King and Parliament—that George III. endeavoured to redress the balance by conferring judicial offices in the Colonies, as the Assemblies granted judicial salaries, during pleasure. We do not read that the King ever dismissed a Judge for his decisions; we know that the Assemblies constantly fined Judges for doing their duty. New York, for example, cut down the salary of her Chief Justice for what Mr. Bancroft calls ‘loyalism’—i.e., a conscientious enforcement of the legal prerogatives of the Crown. Massachusetts avenged an unpopular appointment by a reduction of the salary attached to the same august office.

In thus destroying the independence of the Bench, Colonial Assemblies were less excusable than in the natural disposition of the wielders of the power of the purse, to arrogate to themselves all substantial powers, administrative and financial, civil and military. Their pretensions and their practice left little more than the name of that allegiance and obedience of which they were wont on occasion to make earnest profession. As Winthrop a hundred years before, so Franklin, the ablest agent of the Colonies, the subtlest advocate of their extreme pretensions, virtually admitted by a wife-drawn distinction the repugnance of their legislation to the law of

England. Repugnance, he argued, does not involve a forfeiture of charters, for such legislation is simply null from the first.

Null it was, of course, in the view of English or independent tribunals; but it was none the less the practical law of the Colonies, a law to which strict obedience was exacted from all who lacked either the means or the courage to carry an appeal to the House of Lords or the Privy Council. In the Northern Colonies, at least, disaffection was deeply rooted, and displayed by signs more decisive than insubordinate acts and unconstitutional pretensions. That they would at the first opportunity throw off their allegiance to the mother country was the conviction of nearly every statesman who united long colonial experience to clear-sighted common sense. Responsible colonial leaders always repudiated any such purpose or aspiration, as Winthrop and Winslow would have done; as Adams and Hancock, Patrick Henry and Benjamin Franklin, the leaders in rebellion, did till the time came to throw off the mask. But the language they spoke before colonial audiences was of more moment than that intended for the mother country; and the former was often such as left no choice but between mere nominal sovereignty and open revolt.

The incredulity of statesmen like Chatham is intelligible and not discreditable. Why should the Colonies be disaffected? They owed their very existence to England. She had lavished her blood and treasure on their behalf. The commercial restrictions imposed by her policy, in strict accord with the universal opinions of the age, were a very trivial price to pay for the protection of her flag. It may be doubted whether, in three-quarters of a century, they repaid the cost of three years of war waged by England on the American continent for the benefit of her Colonies, or of the fleets maintained in peace for their defence and security. A few shrewd, observant public men at home, who had studied the evidence, understood its full significance. The New England Colonies, which but for English protection would have been provinces of France, were from first to last bitterly and causelessly disloyal. The old

Puritan leaven—the feeling of rebels and regicides, the temper of the Winthrops and Endicotts, the spirit that had mutilated the national ensign, and had once at least threatened a transfer of allegiance to England's most powerful maritime rival—was inherited by their great-grandchildren.

As under Charles II., so under George III., the better part of the population, the merchants, the men of hereditary means and culture, and probably a considerable majority of the quiet, industrious, decent folk who minded their own business, and meddled as little in politics as in theology, were passively loyal; but the ministers and elders, the politicians, the busy-bodies, the discontented and restless spirits, ever numerous in colonial society—all the classes which, from the days of Adullam downwards, have recruited the forces of disorder—disguised ambitious disaffection under the plausible veil of local patriotism. As usual, but far more than usual, content was inert and silent, disloyalty articulate, active, and propagandist.

Governor after Governor warned the Board of Trade and the Secretary of State 'that if the Colonies had their choice they would not choose King George's Government;' 'that they would set themselves up against his Majesty;' 'that their ability, joined to their inclination, would be of very ill consequence;' 'that the spirit of Commonwealth (*i.e.* republican) maxims increases daily;' 'that New York had already taken most of the previous open steps that a dependent province could take to render itself independent, while with the neighbouring Colonies there was a strong inclination to seize the earliest opportunity of setting up for themselves.' The tone of Colonial society was equally unmistakable. In 1735 Charles Wesley reported that the language of Boston was, 'We must shake off the yoke; we shall never be a free people till we shake off the English yoke.' Even in a pamphlet dedicated to Lord Carteret, the champion of Massachusetts denied the right of the Crown to the soil of that province; pretended, in defiance of Colonial records, of history, of the charter itself, that the land had been acquired by the Colony in right of purchase or conquest from the natives.

The warmest English champion of the Colonies was warned by statesmen on the spot and at home, by friends and foes, that the retention of Canada might prove fatal to the English power in America; that the northern Colonies at least, inveterately disaffected, were retained in their allegiance by the salutary pressure of a hostile Power in their neighbourhood. The imperfect obedience, the formal allegiance they had hitherto rendered was enforced by interest rather than inspired by affection; when once emancipated from dependence on the military and naval power, they would be prompt to shake off the mild control of the mother country. Nor does Chatham seem to have had any answer to make. Choiseul, since Louvois the ablest Minister that ever directed the foreign policy of France, did not hesitate to avow a similar conviction. Such language, emphasised by the willingness with which he resigned the American possessions of his master, might have been a warning to his great rival. Choiseul's opinion was evidently sincere, and was not likely to have been idly taken up. In exact proportion to the local knowledge, official experience, and practical information of English statesmen, was their distrust of the Colonies.

The jealousy of American manufactures occasionally displayed by Parliament was as inoperative as unworthy. The same spirit had been shown with infinitely more exasperating effect towards the English colony in Ireland. No act of the Imperial Parliament could prevent the settlers on the Connecticut from setting up forges, still less from spinning their own yarn and weaving their own cloth. Nor were the colonists ignorant that their commercial dependence on the mother country was a matter of necessity and not of law; that their industry was confined to its natural channels, not by English jealousy, but by the large profits of colonial agriculture and the superiority and cheapness of English manufactures. Even the laws restraining their trade with Dutch, French, and Spanish ports were largely evaded. New York and New England were, at the close of the seventeenth century, the home and refuge of pirates, and for the next sixty

years the seat of a smuggling trade yet more open, audacious, and lucrative. Nor is there any historical evidence that the mercantile policy of England was regarded as a grievance, much less that it contributed to keep alive that dissatisfaction which was of elder date than the Navigation Act itself. New York and Boston would hardly have welcomed the repeal of laws which secured to them the exorbitant profits without the heavy losses of illicit trade; which enabled them to exact the price of smuggled goods while running little risk of penalty or confiscation.

CHAPTER XIII.

PONTIAC'S WAR.

THE spoils of victory were not to be instantly and easily reaped; the vast territories to which France renounced her pretensions did not, by force of that renunciation, pass at once into the actual possession of England. France could only transfer what she actually held, her fortresses and her settlements; and these formed a minute fraction of all that she had engaged to cede. She was not our only enemy; and, though she had stipulated for her allies, she could not bind them. The tribes of the North and West were naturally and strongly attached to the Power by whose trade they had profited, under whose protection they had prospered, of whose treatment they had no reason to complain. France had respected their independence, and, even when claiming the sovereignty of their territory, had forbore to press that claim in a manner alarming to their jealousy or offensive to their pride; had asserted it rather in trust for them against the intrusion of the English.

Pontiac, the chief of the powerful tribe of the Ottawas, assumed the tone and the privileges of an independent prince. After the conquest of the Canadas, a Colonial expedition sent to take possession of the north-western fortresses of New France was arrested on the confines of his territory, and was permitted to pass only after a full explanation of its intentions and as matter of favour. The chief was shrewd enough to appreciate the civilised arts of war and peace; desired to understand the nature and methods of European manufactures, to learn how iron was converted into weapons

and wool into cloth. No ruler so powerful and popular, no diplomatist so skilful, no statesman so subtle, wary, and far-sighted, ever directed the counsels of the Aborigines. He was born two generations after independent native action had become impossible, and understood the tendencies and consequences of the struggle between the rival white Powers a year or two too late to turn the scale. But, roused by the pretensions of the English, alarmed by the expeditions sent to take possession of forts and stations in his immediate vicinity, he displayed a practical genius, a power of civil and military combination, such as at some earlier conjunctures might have exerted a critical influence on the history of America.

Said to have been an adopted captive, his authority over the Ottawas was as great as Philip or Conanchet ever exercised over the clans they were born to rule. In the course of a few months, he contrived to unite the tribes between the Ohio and the Lakes in a league the firmest and most extensive ever formed by their race. The Miamis, the most powerful tribe between the Alleghanies and the Mississippi; the Senecas, one of the Six Nations; the Delawares, their hereditary enemies or vassals; the Shawnees, allies of the Delawares; the Wyandots, belonging to the same family with the Hurons, all combined for the destruction of the English intruders. In May 1763, Detroit was beleaguered and summoned to capitulate. A few days later Sandusky was surprised and the garrison slaughtered; and a week afterwards a company entrenched at the mouth of the St. Joseph shared the same fate. One station after another was taken unawares, betrayed, coerced into surrender, or captured by open storm. Five hundred families from the frontiers of Maryland and Virginia took refuge in Winchester or scattered themselves among the woods.

A force of 250 men, sent by Amherst to reinforce Detroit, attempted a midnight sally, and were defeated at a spring which still bears the name of Bloody Run, with a loss of twenty killed and forty-two wounded. Defeat after defeat,

surprise after surprise, terrified the colonists ; and so enraged the Commander-in-chief that he offered a reward of 100*l.* for the scalp of Pontiac, and gave orders to his officers to take no prisoners, but to put to death all Indians who fell into their hands. The French officers, aware that the surrender of the Canadas was irretrievable, that the Indian rebellion could gain them no advantage, could only cast a dark stain on the national faith and possibly expose them to dangerous suspicion and personal reprisals, despatched in every direction the Wampum¹ belts which announced to their late allies the terms of peace, the hopelessness of support, and the absolute necessity of submission. In October 1763, Pontiac, abandoning the siege of Detroit, sent to the English commander a message accepting the treaty, and desiring that all that had passed might be forgotten on both sides. A month later the southern tribes—the Catawbas, the Cherokees, the Creeks of Florida and Alabama, the Chickasaws and Choctaws of the Mississippi Valley—held a convention with the Governors of Virginia, Georgia, and the Carolinas, in which the peace concluded with France was ratified, and the ascendancy of the British firmly established throughout the whole territory resigned to them by the treaty of the previous spring.

¹ Made of strung shell or beadware ; used as currency, symbolic messages, flags of truce and records by all the Indian tribes.

BOOK II.

THE REVOLUTION.

• 1763—1783.

CHAPTER I.

CONSEQUENCES OF THE CONQUEST.

England won, America took the stakes—Infinite Value of the Extinction of the French Power—Removed all Restraints on Colonial Discontent—Choiseul's View—Chatham.

ALL that England resigned in 1763 she would have kept for herself; what she retained, she retained rather as trustee for her Colonies than for her own behoof. As the war had been waged, so the peace was adjusted, in the interest of America. The French provinces, Cape Breton, New Brunswick, and the Canadas, were all that England gained, the sole reward of a war in which her strength had been taxed to the uttermost, which had deranged her finances and saddled her with a debt at whose amount nearly every statesman, except its daring author, stood aghast. So far as could then be seen, the prize was certainly not worth the candle. With a scanty, a foreign, and probably ill-affected population, an ungenial climate, a backward agriculture, a commerce never considerable and now all but ruined, impoverished by a prolonged and disastrous war, they could in no case have attracted even overcrowded Highlanders or evicted Irish. Exposed to the competition of neighbouring communities of English race and speech, with a far more settled order, ample range of unoccupied land, richer soil, and incomparably better climate, it seemed inevitable that the whole stream of European emigra-

tion must be diverted to the southward; that the Canadas would remain a barren possession, at best a hunting-ground for trappers and fur-traders. All that was really valuable in the spoils of victory, all that was worth fighting for, nay, almost all that seemed worth keeping within the extended boundaries of British America, must of necessity fall to the Colonies. Even the Newfoundland fisheries must, in the opinion of the men best qualified to judge, become within a few years the monopoly of New England.

It was not to England but to her Colonies that the treaty practically annexed a country then worth twenty Canadas, which constituted, down to 1850, two-thirds of the inhabited territory of the Union; a country larger and vastly more fertile than civilised Europe. It was for Virginia and Pennsylvania that England had conquered the valuable forests of Ohio, the boundless prairies of Illinois and Indiana—a natural grazing-ground without rival in the known world, needing but a single ploughing to convert it into a wheat-field larger than France, with a more favourable climate and a virgin soil of incredible depth and inexhaustible richness—incomparably the finest within reach of civilised man. The eastern bank of the Mississippi, the uncleared forests of Kentucky and Tennessee, the highlands of the centre with their luxuriant vegetation, the semi-tropical lowlands of the Gulf Coast, promised to the planters of Georgia and the Carolinas matchless and boundless fields for the growth of maize, cotton, and tobacco, rice, sugar, and coffee.

Louisiana, now—with the exception of a small tract about New Orleans—confined to the western bank of the great river, was transferred by France to the ally who had suffered so severely on her behalf. But neither in the hands of France nor of Spain could that wilderness, with its few scattered settlements, threaten the British Colonies with rivalry in peace or danger in war. To thoughtful and observant politicians it was in Spanish hands only a larger Florida; to the Anglo-Americans a helpless and tempting prize, destined to fall into their hands whenever they should be ready to covet, conquer,

absorb, or purchase it. Spain would have done wisely to refuse the gift. Bad as was the colonial government of France, it was incomparably better than that of His Catholic Majesty; and, for good or evil, the hold of France on the affections even of her adopted children has ever been hard to break. The scanty population of Louisiana was French by origin and language, and in the transfer of its allegiance felt itself not only wronged but insulted. Acadia and Canada became parts of an empire in which France herself owned an equal; Louisiana was degraded by passing under the yoke of a Power equally oppressive and contemptible. If rebellion were hopeless, submission was intolerable. The people of New Orleans and the surrounding country revolted; and their revolt was put down with a facility which rendered the treachery and cruelty of its punishment doubly hateful. The blood of loyal Frenchmen, entrapped without shame and butchered without mercy, was not forgotten by their country; and Spain acquired only the temporary dominion of another profitless, defenceless, and bitterly disaffected province.

In itself, the final extinction of the French power on the American Continent was, apart from territorial aggrandisement, the most precious gift that England could have bestowed upon her dependencies. That power had been to them a standing menace. For seventy years the protection of England, the shelter of her flag, the aid of her navy, the support of her troops, had been indispensable to them, especially to those Colonies whose loyalty most needed the stimulus of self-interest.

That New York and New England could, without aid from home, have defended themselves against the hostility of the Canadas seems obvious; that they failed to do so is unquestionable. With vastly superior numbers and resources, their English courage and energy ought to have crushed the Indian allies of New France, curtailed her boundaries, repelled her attacks, and rolled back the war on to her soil. In truth, they were ignominiously beaten whenever they assumed the offensive; and when thrown on their defence,

were unable to protect their advanced settlements from destructive Indian forays. The Canadian Government early pushed its outposts to the frontiers of the Northern Colonies, and was never dislodged from its hold. Crown Point and Ticonderoga gave the French a firm grasp of Lake Champlain; Cape Breton and New Brunswick threatened New England on the opposite flank; and only when England came with her whole strength to the rescue did her Colonies succeed in loosing the grip of France from their throat.

After the Peace of Utrecht, England had little to fear in Europe from the enmity of France. Retaining the Spanish Crown, the House of Bourbon was effectually crippled and humbled by the War of the Spanish Succession. The accession of George I. imported new dynastic interests, involving the Crown of England in the intestine and external quarrels of Germany. But to those quarrels the country, Parliament, and even Ministers were something more than indifferent. But for the constant collisions, the permanent and standing feuds in America, the Princes of the House of Brunswick would have found it difficult, if not impossible, to engage the kingdom in the squabbles of the Electorate. It was by the appeals of the Colonies, the frontier outrages, the disputes about borders and trade, the reciprocal affronts and intrigues of Transatlantic rivalry, that the old antipathy to France was revived. It was by American provocations and interests that the relations of the two Powers were kept on the strain, that the English Government and nation were induced at every European crisis to join—not the friends of Hanover but—the foes of France.

Before the Revolution drew England into the quarrels of Holland, New York and Canada were, as has been seen, on the verge of hostilities. The Seven Years' War began for England in the Valley of the Ohio. Blood had been shed on the disputed frontier of Virginia, while as yet the mother countries were at peace. The defeat of Braddock, the capture of French ships on their way to Canada, the march upon Lake Champlain, the abortive attempt on Niagara, anticipated the declaration of hostilities and the alliance of France and England with

Austria and Prussia respectively. Forces that might have conquered a speedy and honourable peace in Europe had again and again been sent to fight the battles of New York and Massachusetts, during the half-century that preceded Pitt's determination to concentrate the strength of the Empire on an object rather Colonial than English or even Imperial ; to terminate the inveterate conflict by the final expulsion of France from the Western Continent. That issue had been for two generations the hope and dream of the Colonies ; to achieve it, England doubled her expenditure and her debt, and, in enabling her dependencies to dispense with her aid, released them from dependence ; conferring upon them that immunity from the burden of self-defence, that exemption from invasion, danger, and even rivalry in which they stand alone among nations ; to preserve which the Northern States were willing, a hundred years later, to fight the costliest and bloodiest of modern wars.

From first to last, however, the Colonies chose to regard their account with the mother country from a traditional standpoint, which curiously and exactly inverted the historical and practical aspect of the facts. Constitutionally, all wars are the wars of the Crown. In that sense alone could the colonists claim a shadow of merit for their contributions, great or small, to a struggle waged on their behalf. When, and in so far as, their interests and aims became distinct from those of England, their debt to England stood out in strong and unmistakable relief. For them she conquered four-fifths of that which, after the War of Independence, became their empire. For their sake she crushed the Power whose existence guaranteed their allegiance. However disaffected at heart, however selfish in the pursuit of its own interest, however covetous of independence, no English colony could, from the cession of New York to the fall of Quebec, have dreamed of separation or independence. Rebellion, even under real provocation, was the most glaring of impossibilities. The choice lay between England and France ; and every colonist knew that the little finger of the House of Bourbon was

heavier than the loins of Brunswick. The conquest of New France reversed the position. The alternative was henceforward between allegiance and independence. England had done everything in her power for her children, and was now to experience their filial gratitude.

A few contemporary statesmen on either side of the Atlantic fully understood the various and manifold elements of danger and disaffection to which the conquest of the Canadas had given the rein. The Duc de Choiseul, from the moment when he finally surrendered the colonial empire of France, saw in that surrender the means of inflicting a yet heavier blow upon the greatness of her rival; heavier, because England had so much more to lose. For the next ten years his spies were ubiquitous, active, and unscrupulous;¹ observing, reporting, and fomenting every dangerous pretension and unconstitutional doctrine advanced by the colonists, intriguing with the more advanced of the malcontents, and, in a word, conspiring against the peace and safety of a friendly State. The severance from England of her American colonies was the paramount object of his policy, till, rather than abandon it, he resigned office at the moment when its accomplishment first seemed possible.

The origin, traditions, and character of the various elements that made up the motley population of the thirteen provinces were almost entirely overlooked by those who counted on the influence of hereditary ties, of blood, of language, of that pride which Englishmen, wherever settled, have ever felt in the glory and greatness of England. In Virginia and Maryland alone those natural affections had full play. They had but one ground of dissatisfaction with the Home Government. To slavery the Virginians, like most English slaveowners of the day, entertained a mild theoretical dislike, which by no means reconciled them or their fellow-colonists to the sacrifice of interest involved in emancipation. But they had taken alarm, which time showed to be extravagant, at the

¹ See (*c. g.*) Jesse's *George III.*, i. 525.

rapid growth of the negro population of the seaboard-country, of which tobacco planting was the staple business. Fear of slave insurrection—a fear the more natural that so large a proportion of the slaves were then imported African savages—was the chief motive of their repeated protests against the extent of the traffic in which the merchants of England and the planters of the Colony had a common interest. Colonial statutes and petitions looking to the restraint of that traffic were invariably rejected by the advisers of the Crown, and that rejection was made the subject of popular complaint. There was as yet no Southern demand for the redundant negro labour of Virginia to counteract that natural increase whose rapidity has always borne witness to the substantial well-being of the slaves.

For eighty years the Carolinas had been in agitation, and not infrequently on the verge of insurrection, against their Government. The Huguenot element in South Carolina, the German Lutherans of Georgia, with their anarchical temper and foreign traditions, contributed to prevent the growth of national sentiment and imperial patriotism.

In Pennsylvania the American disciples of Penn and Fox, isolated from the sobering influences that had been brought to bear on their European co-religionists, were as extreme in hostility to civil as their ancestors in revolt against social and religious restraint. One standing quarrel embroiled and entangled each dispute between the turbulent Assembly and powerless Governor, and sufficed of itself to disturb every interval of repose. The estates of the proprietors, consisting of unoccupied and unsettled tracts, became valuable only when about to pass from the hands of their owners into those of colonial purchasers. The Assembly insisted upon taxing these estates on an unreal valuation far exceeding any rent or profit they actually yielded. This injustice the proprietors steadily and successfully resisted. All action was stopped for weeks in the agony of an Indian invasion, that the Assembly might wring from their compassion or conscience an assent to its pretensions. Only when the advancing tide of devastation

threatened their own lands and families did the agitators give way.

New York was supposed to be the stronghold of loyalty and British influence in the North; but her origin and traditions were unfavourable to the growth of any genuine attachment to the mother country. Her great landed proprietors, her prosperous commercial aristocracy, were interested in the maintenance of peace, order, and good understanding with the Home Government. But neither instinct nor sentiment reinforced their lukewarm and prudential loyalty. The old Dutch families, landowners and merchants, on whom Colonial conservatism would naturally have rested and rallied its forces, were bound by no ties of affection or reverence to a country that had never been their 'home' or their forefathers'.

Connecticut and Rhode Island were virtually independent republics. In peace they had scarcely any relations with the Crown or with the Ministry; in war they were allies rather than subjects. The Puritan tradition of Massachusetts was a tradition of resistance to all control and interference from England. The frontier Colony was the most visibly and closely dependent upon the protection of England. In peace the extensive commerce of New England, the powerful mercantile interests of Boston—which, as a political, social, and intellectual centre, exercised a permanent influence throughout the North-eastern Colonies—might have created an effective counterpoise to the republican and sectarian feeling which still characterised the Puritan farmers of the interior.

Unhappily, the commercial interests of the Colonies and the mother country were in direct antagonism. New England had always set the Navigation Laws at defiance, and had long carried on a growing contraband traffic at which the local authorities had corruptly or weakly connived; with which the Home Government, its attention concentrated upon the border wars, actual or impending, had no leisure to deal. With the restoration of peace and security it was obvious that the powerful mercantile interests of the mother country would

insist upon the enforcement of the law. Potential causes of quarrel were numerous and dangerous. The removal of that pressure which had curbed the factious temper of the colonists, and postponed the controverted issues that had from time to time arisen, was sure to precipitate dissensions which it would require no little prudence and mutual forbearance to appease; while forbearance and moderation were not the qualities which their eulogists would ascribe to the party already predominant in New England.

CHAPTER II.

MALIGN INFLUENCES.

Irish Presbyterian Emigrants—Their Position in Pennsylvania—The Anti-English Faction in Massachusetts.

A NEW element of bitterness and disaffection had lately been infused into most or all of the northern Colonies. The fall of Limerick had broken the power and crushed the hopes of the Irish Catholics. The penal laws had driven into exile all the high-spirited, ambitious, and intelligent members of the native aristocracy. The loss of their natural leaders had rendered the Celtic population, in the language of a keen and outspoken observer, no more formidable to the Protestant Englishry than the women and children to the men.¹ The impotence of the common enemy gave the rein to the intestine jealousies of the dominant colony. The Established Church pressed her exclusive pretensions harder and harder against her Presbyterian and Independent allies; the latter no longer regarded the Establishment with complacency, as a splendid if one-sided trophy of the great Protestant conquest.² To proscription and affront the descendants of the Scottish settlers of Ulster, the Cromwellian conquerors of the Southern provinces, the grandchildren of the defenders of Londonderry and Enniskillen, were little likely to submit. The flower of the Presbyterians followed the aristocracy of Catholic Ireland into exile; and were of course irresistibly attracted to the Puritan commonwealths of British America. Their fresh and quick resentment of recent wrongs contributed to revive and exacerbate the traditional disaffection of their fellow Puritans.

¹ Swift.

² Macaulay.

In Pennsylvania alone they formed a separate and antagonistic element. The old feud between Puritans and Quakers, the traditional animosities of the Commonwealth, the well-remembered persecutions of New England, ensured them a grudging and suspicious reception. Fugitives from tyranny, but traditional upholders of civil order and social discipline, they had no sympathy with a community for whom license and liberty, order and tyranny were convertible terms. The eastern districts were already peopled. The new-comers, reinforced by a considerable German immigration, pushed forward to the western frontier, where they found themselves in immediate contact with the Indian tribes, among whom the French influence was predominant. Full of the traditional and actual antipathies of Ireland, prone to treat French Papists and heathen natives as they had treated their Catholic neighbours, they were speedily involved in quarrels which the Quakers of the settled districts, remote from danger and remembering the Founder's pacific policy, regarded as needless and unrighteous. Everywhere the Presbyterian exiles were among the loudest spokesmen of Colonial disaffection, a chief support of that faction, as yet a minority probably even in Massachusetts, which already looked to independence as the proximate if not immediate goal of colonial progress.

That such a faction existed, American historians care neither to avow nor to deny. A writer so able as Mr. Bancroft contradicts himself in successive chapters, almost on alternate pages; now averring the universal attachment of the colonists to King and country, now praising the skill and persistence with which such men as Samuel and John Adams, Cushing and Hancock, Patrick Henry of Virginia and Rutledge of South Carolina, turned each successive controversy to their ultimate purpose, using alike the encroachments and the concessions of the Home Government, the ignorance and the passion of the colonists, to inflame and exasperate a quarrel from whose final issue, had they foreseen it, both parties would have shrunk. The so-called Colonial 'patriots' who desired to reconcile the boldest and broadest pretensions to

local independence with their allegiance and the integrity of the Empire, equally with the populace of Boston, Connecticut, and Rhode Island, were the unconscious instruments of a policy which its authors did not care to avow.

The omnipotence of Parliament has ever been the fundamental and distinctive principle of the English constitution. But men who pretended to more than average knowledge of law were not ashamed to affirm that an Act of Parliament repugnant to what they called constitutional principles was legally invalid; that every ignorant country justice, every factious politician in Massachusetts or Pennsylvania was entitled to judge whether the statutes of England were to be obeyed or defied. The Assemblies of New York and Virginia, nay, of Massachusetts herself, were egged on to measures whose inevitable result they never foresaw, to claim an authority independent of and co-ordinate with that of Parliament, a status of equality incompatible with allegiance and even with national unity; a position analogous to that of Hanover or of Scotland before the Union, a connection of which the Crown was the sole link; even while admitting the right of Parliament to regulate their external commerce at its discretion. And when the Assemblies faltered or hesitated, when the forbearance of the Home Government and the moderation of the Middle and Southern Colonies seemed to promise a peaceable adjustment, the passions of the Northern populace were inflamed by every act that could precipitate a collision. Washington, Dulany of Maryland, Dickinson of Pennsylvania—the majority of those who, when the quarrel had been pushed to its inevitable issue, preferred local to Imperial patriotism, Colonial liberties to National allegiance—were, in the first instance at least, averse to or ignorant of the designs of the Revolutionists.

Patrick Henry, the first to advance, publicly and peremptorily, the extreme pretensions which Adams and Hancock as yet held in reserve, had completed his whole preparation for the bar in six weeks; while he had no such general education as would have shown him how crude were his

legal theories. Otis, the earliest trumpeter of sedition in Massachusetts, was evidently hurried along, almost from the first, by the changeful and uncontrollable impulses of an unsound brain; now advancing, in the heat of passion, doctrines which cooler thoughts compelled him to qualify or withdraw, now endeavouring to restrain the more deliberate and wilful violence of his associates, now goaded by them into fresh outbreaks of yet wilder extravagance; till, before the crisis of the struggle had arrived, his overwrought mind gave way. His errors were those of a disordered intellect, a generous and ingenuous but fearfully excitable temperament. Men like Hancock and the Adamses well knew what they were about. They were as consistent, shrewd, and far-sighted in pursuing their end as unscrupulous in the choice of means.

CHAPTER III.

GRENVILLE AND THE STAMP ACT.

George Grenville's Position and Principles—Autocracy of Parliament—An American Army and Revenue—Enforcement of the Navigation Laws—Substantial and Sentimental Hardship—Policy of the anti-English Faction—The Stamp Act—American Terrorism—Chatham's Advocacy—Weakness of the New Ministry—Reassertion and Repeal.

AFTER some eighteen months of supreme power, Lord Bute retired from office April 8, 1763 ; partly dismayed by the storm of unpopularity which the advancement of a Scot and a so-called favourite had excited, partly weary of the greatness to which he had been too rapidly promoted. The King was determined neither to recall Pitt and Temple nor to invite the assistance of that great Whig connection whose yoke it had been his first object—an object neither unkingly nor unconstitutional—to break. Bute's subalterns, therefore, were retained in office, and the leadership of the Government and the House of Commons fell to George Grenville, the brother of Temple and brother-in-law of Pitt ; too much of a political pedant to be a judicious ruler or prudent statesman, a Whig oligarch of the school of the younger Sunderland, studious of the letter and for that reason apt to pervert altogether the spirit of the Constitution.

The Revolution, as he understood it, had finally established the supremacy claimed by the Long Parliament. The King was, in his view, little more than a Doge ; the prerogatives of the Crown were vested in Ministers commanding a Parliamentary majority. The privileges of the people had been once for all transferred to an assembly, the majority of whose members were returned by a few thousand electors and a few

score of powerful patrons. The multitude of close and rotten boroughs, the small number of free commercial constituencies, the limitation of the English counties to two representatives apiece, the absence of any popular influence in the Scottish elections, had utterly divorced the House of Commons from the country.

Apart from such general considerations, his own recent experience should have taught Grenville how utterly fallacious was his theory of the relation between the Crown and the Houses. The Cabinet of Pitt and Newcastle had been supported by Parliament till the popular statesman and the chief of the Whig aristocracy had been dismissed by the King. Their loss of office had put them at once in a minority, and not a strong one; their successors, owing their places originally to Court favour, could in their turn rely upon the support of a steady majority in both Houses. Grenville's ideas were in violent contradiction to those of his royal master; less accordant with facts while not more constitutional and much more unpopular. His temper, tone, and bearing in the Closet would have incurred the lasting and bitter dislike of a Prince far less jealous of his dignity and less bent on asserting what he believed to be his own rightful prerogatives than George III. Grenville's harangues were intolerably long and tedious: his parsimony was carried to an excessive and extravagant extent; his language was little less than insolent.

He and the Duke of Bedford, his principal ally, did not hesitate to charge their Sovereign to his face, in the plainest terms, with falsehood and breach of promise. They—Bute's creatures—had exacted a pledge that Bute should no longer be consulted. They found the King resolved on asserting views and objects of his own, and perversely assumed that his opposition to their counsels and his resentment of their imperious demeanour were prompted by the discarded favourite. The truth seems to be that Bute was not consulted till the King was bent on dismissing these obnoxious Ministers, and employed for the last time to open negotiations with their intended successors.

As the colleague of his great relative, Grenville had always regarded with sullen dislike the heroic and costly policy which in four years had retrieved the greatness and doubled at once the dominions and the debt of England. Peace, mainly for the sake of parsimony, had been his object, the chief if not the sole tie between him and the favourite who had brought him into power. He was bent at all hazards on reducing expenditure, and thought it right and just as matter of principle, safe and expedient as matter of policy, that the American Colonies should be required—not, indeed, as is often alleged, to relieve the mother-country of any properly Imperial liabilities—but to pay the cost of their own defence. The claim, if judiciously urged, could hardly have been gainsaid. Half the recent outlay, half the total debt of England, had been incurred on their behalf. Some of the Colonies had contributed largely and liberally to the cost of the war, both in men and money; others, like Pennsylvania, had hung back, had long refused the slightest aid to a struggle in which they were deeply interested, till invasion crossed their own frontiers and threatened the rich, populous, and ruling counties around the capital. Even Virginia had refused to support the earlier operations on her Western border. Quarters and supplies had been grudged to the royal troops. Governors and military commanders alike had represented, again and again, the utter impossibility of bringing the Assemblies into cordial co-operation.

Again, Grenville was, of all English Ministers, the least likely to connive at habitual and systematic law-breaking. The Navigation Acts, the so-called Mercantile System, were part and parcel of the law of the land. That they had been partly evaded, partly ignored in America for more than fifty years seemed to him no reason for gentleness, caution, or forbearance in their enforcement. The compelled or corrupt connivance of the local authorities was a motive for severity of rebuke, for sharp and stringent correction, not for considerate and conciliatory measures. It was said that Grenville lost the Colonies because he was the first Minister to read their despatches. The paradox contains more than the usual grain

of truth. The commerce of New England had thriven on neglect. Collision and dispute had been avoided by a tacit and informal submission to the unreasonable pretensions, and often to the offensive conduct, of the Colonial Assemblies. Grenville's first measure was the more irritating that, while it deeply affected the interests of the Colonies, it could hardly be made the subject of plausible and effective remonstrance.

That it was the right of Parliament to regulate their commerce, that the Navigation Act and mercantile statutes were binding upon them, the colonists had admitted, even while systematically violating or evading them. The pecuniary dependence of Governors, Judges, and officials, the temper of Assemblies and juries, rendered it hopeless to enforce the laws by the ordinary methods and through the usual constitutional agencies. The duty of arresting smuggling vessels was imposed upon the royal cruisers. The decision of cases thus arising, wherein the facts were seldom disputable, was entrusted to Courts of Admiralty, in which a well-informed Judge was not liable to be baffled by a strongly biassed jury. The measure was effectual, but its efficiency was the very quality that rendered it intolerable. It was impossible that the moneyed interest of the Colonies should acquiesce in the sudden and severe enforcement of regulations stringent if not tyrannical in themselves, and to the existing generation practically novel; should submit quietly to the loss of a lucrative and, by right of usage, almost legitimate business. The most arbitrary of new enactments hardly provoke bitterer discontent, a keener sense of injustice and hardship, than the sudden revival of laws that have lapsed into virtual desuetude.

The use made of this grievance strongly suggests the underhand agency of men with clear, remote, and secret objects in view. The temper of the multitude, the interest and the passions of the mercantile and seafaring classes would naturally have taken up and insisted on the main issue; the essential character of the measure by which they felt them-

selves aggrieved. But those whose shrewdness directed the counsels and controlled the forces of the malcontents saw that they could not prudently make the contraband trade their first battle-ground. Not only was it a questionable and somewhat odious cause, sure to array the whole middle-class of England against them, but it was the limited and selfish concern of the few.

It might none the less have been possible to push the ship-owners, seamen, and fishermen of New England and New York to the front, to enlist the passions and sympathies of their countrymen in their support. But in such a quarrel the Northern Colonies would have been isolated.

New Jersey and Pennsylvania had little interest, Maryland, Virginia, and the Carolinas no interest whatever in the smuggling trade of Boston, Newport, and New York. The manner in which the main grievance, while kept in the background, was used to inflame discontent, to enlist a portion of the wealthier and more conservative classes in the cause of disaffection; the skill with which the one weak point of the measure—the unpopular jurisdiction of a single Judge appointed from home—was put forward and pressed, while a separate breach with the Home Government on a question affecting the North alone was avoided, betray the hand of leaders with wider and bolder aims, more far-reaching ambition and clearer judgment than actuated the multitude.

Grenville's next step, though it furnished the party of sedition with a formidable weapon, and brought the so-called Colonial patriots for the first time into direct and violent collision with the authority of Parliament, was by no means the hasty, intemperate, or headstrong measure that American historians and English party writers have chosen to represent it. Grenville thought—not without plausible reason, when the Indian revolt was but just suppressed—that some ten thousand English soldiers should be maintained in America to protect the frontiers, to uphold the royal authority in the conquered provinces, and doubtless to put down any seditious movement that might be apprehended from the malcontents of Massa-

chusetts or Pennsylvania. It was, with him, a point of justice and principle that this force should be maintained, in part at least, at the cost of the Americans themselves. Experience had shown that, even while menaced by the presence of a hostile Power, it was impossible to obtain from the Colonial Assemblies any regular or sufficient provision for their common defence. If such a provision were to be made, it must, as all parties had admitted, be imposed by the authority of Parliament.

That the authority of Parliament was adequate and could properly be employed for such a purpose, Grenville was the last man to doubt. More properly speaking, perhaps, once assured of the legal right, he took for granted the consequent propriety of its exercise. But in the practical pursuit of his object he proceeded with signal moderation. He consulted the agents of the Colonies, he laid his scheme before Parliament and suspended its enactment for a whole year, in order that his method of colonial taxation might be submitted to the Americans; pledging himself, if they should prefer some different means of raising the required revenue, to reconsider the question. Nor was the Stamp Act intended to raise an excessive or unreasonable amount. The total expected was at the highest estimate less than one shilling per head upon the population of the Colonies, less than half of the probable cost of the American army. To represent Grenville as the malicious enemy of Colonial liberties, as an unscrupulous intriguer feeling his way to further and less plausible measures, is alike to misread the character of the man and falsify the recorded facts of history. He was emphatically a straightforward man—obstinate impracticable, unbending in his sullen honesty. His primary political principle, his dominant idea, was the constitutional omnipotence of Parliament. This dogma made him overbearing in the closet of a Sovereign whom he accused of unconstitutional pretensions, as ruthless to dependencies which withheld constitutional obedience.

Fearless and contemptuous of unpopularity, proud, resolute and dignified as Chatham himself, but wholly free from

Chatham's love of theatrical display and propensity to demagogic arts, Grenville was no less desirous at the outset to conciliate the feelings, to satisfy the reasonable claims, and promote the interests of the Colonies than to assert the authority of the mother country. The Act of 1765, extending the English stamp duties to America, was accompanied by a variety of fiscal measures and commercial bounties which would have much more than repaid the burden laid upon the Colonies. Nor did its author expect, nor had he any reason to expect, the violent outbreak by which the measure was actually encountered. The Colonial agents, from Franklin downwards, though remonstrating against the Parliamentary taxation of America, remonstrated as against ordinary impolicy. When the Minister persisted and the Act was passed, almost without opposition, through both Houses of Parliament, they readily accepted the patronage which, in his desire for conciliation, Grenville resigned to their hands. They nominated the stamp distributors from among the leading citizens of each Colony. In truth, it was primarily to his own moderation and caution that Grenville's defeat was owing. Unaware of the real character and objects, probably of the very existence, of the dangerous and unscrupulous faction with which he had to cope, it never occurred to him that, in giving the colonists a year to consider, and, if they so pleased, suggest a substitute for his scheme, he was giving a body of determined and inveterate enemies twelve months to misrepresent his policy, to excite the fears, inflame the spirit, and organise the resistance of their countrymen.

Grenville had chosen a mode of taxation pre-eminently calculated to enforce itself. No ship could clear from an American port, no legal transaction be carried through, no judgment enforced, without the use of stamps. Instead of duties levied on local manufactures, on imports or exports, the Government offered for sale wares which all men of business were obliged to purchase. No merchant would expose his vessel to seizure, no creditor forego a debt, rather than pay a few shillings for a piece of stamped paper. It was the sim-

plicity and facility of the method employed that drove its determined opponents to violence and terrorism as the only means of defeating it. The interests of the propertied and professional classes demanded obedience. The burden was utterly insignificant. Hence the difficulty of constitutional resistance and the resort to lawless force, in Colonies which regarded with horror the extremities for which the leaders of Massachusetts were prepared.

The artificial character of the outbreak is sufficiently proved by the fact that no Colonial agent was prepared for it; that Franklin himself, as an extreme Radical, a citizen of anarchical Pennsylvania, the paid envoy of Pennsylvania and Massachusetts, at first expected the law to come into peaceable operation. It was against their own countrymen, nominated by their own agents, selected of course as the most popular of those on whose loyalty the Home Government could depend, that the fury of Colonial disaffection was directed. The voice of menace grew louder and louder. The leaders and organisers of resistance kept themselves in the background; but armed multitudes, whose open, unresisted, well-concerted operations betrayed the guidance of skilled politicians and the complicity of a powerful section of the upper classes, threatened the property and persons of the royal officials, and anticipated the arrival of the stamps by enforcing, under the extreme penalties of mob-law, the resignation of every stamp distributor in America. The immediate and universal resignation of valuable appointments by men generally loyal, courageous, and resolute sufficiently proves how terrible, pressing, and immediate was their danger. It was not the policy of the ringleaders to take life, but, by the demonstration of overwhelming force and thorough determination, to render actual bloodshed unnecessary.

The elective Governors of Connecticut and Rhode Island sided with the lawless multitudes who paraded the streets and roads, chased and captured the distributors, and compelled them to do ignominious penance for accepting the invitation of Franklin and his colleagues. Ingersoll, the distributor of

Connecticut, held out for three hours against several hundred ruffians, till the Governor refused to protect him and the Assembly declined to interfere; and then, like his colleagues, yielded only when his life would have paid the forfeit of persistence.

For these outrages the 'patriot leaders' were of course fully responsible.¹ Nor were the distributors alone the objects of popular, or rather of party, vengeance. The Chief Justice and Lieutenant-Governor of Massachusetts was mobbed and assaulted in the streets, his house was attacked by one of the patriot gangs; he and his family barely escaped with their lives, while their home was sacked and destroyed. Several other acts of pillage and incendiarism alarmed the very authors of the anarchy. A formal town-meeting, held under their auspices, unanimously repudiated the outrages which its conveners had instigated, which the majority of the assemblage had perpetrated, and the rest had permitted or encouraged. Not one single offender was brought to justice.

The party who would have relied on reason and precedent were silenced by menace or punished by gross personal outrage. For many months a reign of terror prevailed from New Hampshire to Georgia. The judges dared not refuse to open the courts, or reject unstamped documents; the Governors dared not attempt to keep the peace. The stamps, when landed, were surrendered by the authorities or violently seized by the mob. The rabble of New York broke into the house of an officer who had promised to support the civil authority, and destroyed the colours of two English regiments. The military were hampered by a hesitating and frightened Governor, who dared not put down anarchy at the alleged risk of commencing a civil war. Even the captains of royal cruisers, who had at first done their duty energetically and seized the Colonial vessels which ventured to sail without a stamped clearance, were coerced by the determined and desperate threats of the ringleaders, who held the lives of the

¹ See Bartlett's *History of the United States*, vol. i. p. 289. and the whole tendency of Bancroft's account of the proceedings.

highest executive and judicial servants of the Crown at their mercy.

The assembling of the first Congress of Delegates from the various Colonies was a significant incident.² It had been impossible to persuade the different provinces to take any concerted measures to defend themselves against French invasion and Indian barbarities. The same spirit which had refused even to consider the levy of contributions for common defence manifested itself in united resistance to the ill-judged attempt of England to achieve the same purpose by her own authority. The Congress did nothing worthy of record ; but its mere assembling was a new and ominous symptom.

Meanwhile, by a complicated and discreditable intrigue, the Ministry had extorted the King's consent to exclude his mother's name from the Regency Bill. Their master discovered how he had been tricked and misquoted. The Government were exposed and summarily dismissed. The King appealed first to Pitt, and afterwards, on Pitt's refusal, called in the Marquis of Rockingham, the leader of the Whig oligarchy to which he bore so natural and so inveterate a dislike. The Rockingham Ministry at first prepared, as matter of course, to enforce the Stamp Act ; but their Cabinet contained scarcely one man at once of Parliamentary reputation, of practical experience, and of resolute character. Its chief was as weak, helpless, and incompetent as a man of spirit, honour, and intelligence well could be. The tidings of violence, of organised and universal resistance, that poured in during the last weeks of the Parliamentary recess, confounded and bewildered them. The speech from the Throne was exceptionally irresolute and unmeaning, and the first debate showed that the Ministry had met Parliament without a policy, a conviction, or a purpose.

Pitt, who when the Stamp Act passed had been, as he solemnly declared, confined to his bed, denounced it in passionate terms as culpable and unconstitutional, void and illegal. The latter assertion could only have been ventured

² New-York, October 1765.

by the Minister of whom his sister said that he knew nothing accurately, except Spenser's 'Faëry Queen.' His doctrine was speedily demolished by the crushing logic and unanswerable precedents of Lord Mansfield. Repeated wholesale confiscations, annulments of royal grants, acts of attainder and of pains and penalties had abundantly established the despotic power of Parliament over the property and the life of every British subject.

In every well-ordered State, sovereign authority, absolute and indisputable supremacy, the right to do whatever the exigencies of State may require, must be vested somewhere. The constitution of Switzerland, the French Republic of 1848, like the Union of 1789, attempted to limit the highest powers they created within the bounds of written law; the Sonderbund, the *coup d'état* of 1851, and the War of Secession were the natural and inevitable results. To the authority of Parliament—of the Crown and Three Estates collectively—there is not and never has been any other limit than that of physical possibility; and it seems strange indeed that a statesman like Chatham should have challenged a principle to which every page of history, since the Battle of Bosworth terminated the reign of naked force, bears conclusive testimony. In truth, his intellect was rather strong than clear or accurate; his temper incapable of distinctions so subtle as that between legal right and constitutional equity. Seeing clearly that the Parliamentary taxation of the Colonies was impolitic, unprecedented and unconstitutional, he would hardly understand that it was none the less valid and binding. The case of Ireland, frequently and appropriately quoted, is decisive against Chatham's law as against Grenville's policy. The control of the British Parliament over that country, whether as colony or conquest, was unlimited. It could bind Ireland, though Ireland, like Virginia, had a legislature of her own; that its power extended to taxation as it certainly did to confiscation, there could be no reasonable doubt. That, nevertheless, it had never attempted to tax Ireland pointed directly and irresistibly to the inference that there were strong con-

stitutional objections to such taxation ; objections applying^d with redoubled force to the taxation of America.

The logical strength of Pitt's argument was destroyed by the extravagance of his conclusion. But the Ministers, incapable, irresolute, and inexperienced, were completely cowed by the weight of his authority and the fire of his eloquence. General Conway, their leader in the Lower House, a soldier of courage and honour, but without the slightest pretensions to statesmanship, at once declared his acquiescence in the doctrines of Pitt. The Cabinet submitted to the King one sole alternative—to repeal the Act or enforce it by the sword ; and, young in years and rule as he then was, George III. was too shrewd not to see that an appeal to the sword, against the pronounced conviction of the foremost of English statesmen and of the leader of the Lower House, was morally impossible.

Servilely following Pitt's guidance, Ministers proposed to repeal the Act and at the same time to declare the absolute authority of Parliament over the Colonies in every case, to every purpose, except that of internal taxation. The exception broke down so completely under the criticism of the lawyers, headed by Lord Mansfield, that Pitt himself could no longer sustain it against the overwhelming weight of argument and authority, and it was struck out. Grenville defended his favourite measure with characteristic vehemence and stubbornness, and took just exception to the ill-considered doctrines and intemperate language of his kinsman. Such expressions of sympathy with rebellion and outrage could only serve to shatter all constitutional authority, and incite the disaffected to yet craver excesses.

The Declaratory Act passed without difficulty as it remained without effect. The repeal of the Stamp Act was in vain resisted by all to whom the enforcement of law, the maintenance of order, at whatever price, seemed the first duty of Government ; by all whose temper was roused or whose loyalty was outraged by the conduct of the colonists.² As they now

² Carried by 275 to 167. Stanhope, chap. 45.

stood, the two Acts were flagrantly and openly contradictory. The one asserted a right, the other retracted and virtually renounced its exercise. Yet both rested, in different senses, upon sound and constitutional doctrines. The right of Parliament to tax the Colonies was admitted in more than one Colonial charter, the product of a time when the traditions of the Stuarts were fresh in public memory; when popular jealousy was directed against the abuse of prerogative rather than of privilege. In denying the right to tax without Parliamentary sanction, the Crown had implicitly affirmed and the Colonies had tacitly accepted the right of Parliamentary taxation.⁴ On the other hand, as bearing on the question of constitutional usage and not of legal privilege, the argument of Pitt seems unanswerable. 'The taxes are a voluntary gift of the Commons alone. In an American tax, what do we do? We, your Majesty's Commons of Great Britain, give and grant to your Majesty—What? Our own property? No. We give and grant to your Majesty the property of your Majesty's Commons in America. It is an absurdity in terms.'

The opponents of the repeal brought forward one^c argument thoroughly characteristic of Grenville's pedantry; an argument whose technical validity and substantial monstrosity

⁴ There is great confusion in popular English histories as to the claims and proposals of the Colonists: Writers who doubtless meant to give the true account, touching on it in a single sentence, convey the idea that the Colonial Assemblies offered a substitute for the Stamp Duty; or offered to grant as much as it would yield. This is the exact reverse of the truth. The Colonies said 'Ask us for money through our own assemblies, and you shall not find us illiberal.' But this was precisely what had been done for a century, with such unsatisfactory results. Franklin said, years afterwards, that this course would have yielded more money than the stamps ever would. The fact was that the system of self-taxation had failed to meet the common needs of the Colonies, and that the Governors had repeatedly declared that Parliament must take in hand the organisation and apportionment of the burden of defence; i.e. fix the proportion of men and money which each Colony must furnish, and enforce its fulfilment.

On the other hand, the Colonies absolutely refused to be taxed directly and internally, save by the Assemblies in which they were represented; a principle as old as the Witenagemot. The want of a central power to deal with common matters—felt throughout the next quarter of a century till supplied in 1787—was the rock on which both sides were wrecked.

discredited all technical reasoning and constitutional special pleading on such a subject. Taxation and representation were not inseparable. Manchester was not represented, yet Manchester was taxed. If Manchester were virtually represented, so were the Colonies. They were part and parcel of the manor of Greenwich, and so, it would seem, represented by the members for Kent! This reasoning was treated with deserved ridicule by Pitt and his supporters, and provoked in the Colonies an outburst of indignant and almost incredulous contempt.

The message of peace was received in America with general satisfaction, except in Massachusetts. Unhappily, the untenable pretensions of the Assemblies, the wilful temper of the populace of New York and New England, still menaced the good understanding re-established by so complete a concession. An Act of Parliament which provided for the distribution, quartering, and maintenance of the British troops employed in the Colonies was debated by the Assembly of New York in a captious and quarrelsome spirit. The Legislature of Massachusetts seized the opportunity afforded to faction and sedition by the righteous recommendation of the Home Government that the sufferers by mob violence should be promptly and fully compensated. The dominant party began by denying that any compensation was due, thus identifying themselves to the full with the worst acts of the populace; and took care to render inoperative the compensation reluctantly, ungraciously, and offensively conceded as matter of favour, by coupling it with an amnesty which it was well known that the Governor would not approve and that the King would not be advised to sanction.

CHAPTER IV.

WHOSE FAULT WAS IT ?

The Chatham Ministry—Too late—Chatham's Incapacitation—Townshend's Folly—Lord North's Succession—The King's Responsibility—The last men to yield.

A CONTEMPORARY change of administration at home inspired a brief but almost enthusiastic revival of confidence in the other Colonies. The weakness and irresolution of the Rockingham Ministry had deprived their tardy measure of conciliation of half its grace. Such gratitude as was felt for the repeal of the Stamp Act centred upon Pitt ; and the tidings that he had been invited to form a Ministry did, for the moment, more than any legislative concession to quicken the reviving loyalty of the Americans. Had Pitt accepted office when first pressed upon him, his ultra-Liberal views, his strong attachment to the Colonies for which he had done so much, might have enabled him to conciliate all but the secret enemies of the English connection, without enduring or condoning disorder and outrage.

Unhappily, the malign influence of Lord Temple had twice induced his kinsman to refuse the liberal offers of the Crown ; and when at last the great statesman broke the yoke of family ties and personal obligations, and, in 1766, obeyed the thrice-repeated appeal of his Sovereign, it was too late. Health, temper, and fortune failed him. His acceptance of an earldom, due to his conscious inability to endure the fatigues of the Lower House, lost him the favour of the populace and shook the confidence of his adherents.

For a few months he ruled with a rod of iron over a Ministry strong in everything but cohesion. But the remedies

employed to repress his constitutional gout and enable him to go through the forms and ceremonies of office had driven the disease to settle on his nerves and brain; and in March 1767 the most powerful, though by no means the soundest mind among the statesmen of the age had utterly broken down. For the next eighteen months he was Prime Minister and even Lord Privy Seal only in name; powerful but for mischief, since his nominal retention of office prevented the reorganisation of the Government under a recognised successor.

During the incapacitation of his chief, a virtual and temporary premiership devolved upon the Duke of Grafton, the First Lord of the Treasury. The Duke, a man of high principle, stainless character, and no mean intelligence, had never dreamed of undertaking even for a time the functions and responsibilities of a leader, either in the Cabinet or in the Upper House. Deserted by the chief on whom he had relied, to whom he was loyally devoted, called upon to take the most momentous decisions on his own responsibility, to rule a Cabinet composed of the most incongruous materials, containing half-a-dozen men of elder experience, of higher reputation, and more than equal ability, he was embarrassed by their feuds and baffled by their disobedience.

Lord Shelburne was the responsible Minister for America. His policy and his views were Chatham's; but he wanted Chatham's authority to enforce them. The King felt for him a growing dislike and distrust, by which Grafton was either infected or overborne. He was rather prepared mortally to offend his chief by dismissing Lord Shelburne, nor to sustain him against the open and daily more urgent complaints of his royal master. Charles Townshend, the Chancellor of the Exchequer and the most brilliant speaker in the Lower House, capricious and wilful as a clever woman or precocious school-boy, had submitted to the strong control of the Lord Privy Seal, but set the nominal authority of his lieutenant at open defiance.

A mere freak of his threw the Cabinet into confusion, reversed the essential principle of Lord Chatham's policy, and

provoked, in mere wantonness, that quarrel which he who was still Premier of England would have made any sacrifice, any concession compatible with English honour, to avoid. Talking in a mood of apparent excitement about revenue to be derived from the Colonies, Townshend was promptly challenged by Grenville and others, snatched up the glove thus thrown, and pledged himself to a series of petty Customs imposts—the most important of them a tea duty which could hardly have yielded 50,000*l.* a year—upon American imports. Townshend had no doubt a technical excuse, such as Grenville might have advanced before experience had taught him how little the subtleties of constitutional pedantry were practically worth. The colonists had spontaneously distinguished between internal and external taxation, admitting the right of Parliament to regulate and tax the commerce it protected, even while most strenuously denying its right to take money directly out of their pockets. But a statesman would have known better than to rely upon such a distinction after a surrender like that of 1766 had enlarged the pretensions of the victorious party. Franklin himself had intimated that the Americans might presently adopt the view of Grenville and Lord Mansfield, that no distinction between stamp and import duties could be made good, and infer that both were equally illegitimate. The perverse and ingenious Minister lived just long enough to do his country irreparable mischief. He died suddenly in September 1767, and was succeeded as chief Minister of Finance by Lord North.

The new Chancellor of the Exchequer, promoted from a subordinate office, was next to Lord Chatham, though at a long interval, the ablest, most honest, and most clear-sighted English statesman of the age; without any exception the most courteous, dignified, and scrupulous of Parliamentary debaters; but, unhappily, wanting in promptitude, decision, and firmness of purpose. The dismissal of Lord Shelburne and the consequent resignation of Lord Chatham, followed by the retirement of the Duke of Grafton, left the Government without a head. That post was accepted, at the King's earnest

instance, by Lord North, in whom George III. reposed for the next ten years an implicit, generous, and well-earned confidence; and who repaid that confidence by a fealty which rather befitted the servant of a despot, or the adviser of a ruling sovereign like the Emperors of Austria and Germany, than the responsible Minister of a constitutional King. There was yet time to renounce Townshend's inconsiderate and ill-judged proposals. But Lord North hesitated to insist on the course his own better judgment would have preferred; and ere long the intemperate violence of Massachusetts rendered the revocation of the new duties incompatible with the dignity of Parliament, the honour of the Crown, or the maintenance of law and order.

The alienation of America, the renewal of pretensions too much resembling those which Parliament and the Crown had practically withdrawn, the obstinacy which pushed the quarrel to extremities, and the final loss of the choicest possessions of England have been very commonly and very unjustly imputed to the personal agency, the stubborn temper, and the arbitrary doctrines of the King. When American resistance had culminated in open rebellion, it suited the leaders of insurrection to palliate their breach of allegiance by vilifying the Prince whose authority they had renounced. It has suited their apologists and admirers, English and American, to misrepresent the feeling of Parliament and of the nation; to conceal the significant fact that, in the almost unanimous opinion of England, the Colonial revolt was an act of gross ingratitude and gratuitous treason.

It was the policy of Congress to appeal to the English people against their Government; and, when war had once broken out, to represent it to the Powers whose alliance they courted as the war of the King and his Ministers, and not of the British nation.

Unhappily, the current notions of the reign and character of George III. are chiefly derived from writers more eminent for trenchant wit and mordant sarcasm than for care or candour; the bitter, brilliant Whig diatribes of Macaulay, the

libels of Burke and Junius, the spiteful extravagances of contemporary invective and caricature. A just and careful student of history will not ascribe to George III. an heroic character or a powerful intellect. Ill-educated, narrow-minded, with a brain not perfectly sound, forced by the circumstances of the time into the conflicts of party, inspired with strong and bitter prejudices by the earliest experiences of his reign, he could not but be more of a partisan than befits a Sovereign. But from any scheme of usurpation or palpable injustice he was restrained by that religious reverence for his coronation oath which, when his mind had been shaken by more than one attack of insanity, betrayed him into the gravest and most disastrous error of his reign.

The Prince whose conscience would rather risk a Crown than break a pledge was as utterly incapable of invading, by fraud or violence, the liberties of America, as of plotting against the constitutional rights of Parliament or betraying those of the Crown. With the Parliamentary taxation of America the King had less to do than the clerks of the Treasury or the Board of Trade. Indeed, when the Stamp Act was introduced, he was disabled by that illness which prompted his scrupulous conscience to insist upon the introduction of the Regency Bill. The fatal revival of Grenville's policy was the personal caprice of Townshend, a caprice for which the King was no more responsible than the Lord Privy Seal, and less responsible than Grafton.

It was impossible for a far less scrupulous Prince any longer to accept the fiction of Parliamentary supremacy and Ministerial responsibility. It had been proved beyond doubt that any Cabinet could derive a majority from the favour of the King, and from no other source. Pitt and Newcastle, Bute, Grenville, Rockingham, Chatham had been alike all-powerful while in office and impotent in Opposition. Lord North, who held power longer than all of them together, and with a firmer grasp, owed it solely to the royal choice. A Minister so situate could not pretend to dictate to his master. Nor could the King devolve the responsibility of

critical decisions upon a Cabinet nominated and sustained by himself. Yet there seems no reason to doubt that, had that Cabinet as a body, by a large majority of voices, or through the lips of its leading members, pressed upon him the entire abandonment of Townshend's irritating and useless tariff, George III. would have consented.

Lord North's indolent good humour and conciliatory counsels were overruled at first rather by his colleagues than by the King. In the first stages of the dispute the Government was not merely supported, but threatened and pushed forward by Parliament and by the country. Lord Hillsborough, entrusted as a Third Secretary of State with the Colonial Department, Lord Sandwich, and even Lord George Germaine, were less passionate, less bent on maintaining at any hazard the sanctity of the law and the authority of the mother country, than the Bedfords and Grenvilles. A majority in both Houses, a predominant public opinion, exasperated by American lawlessness and defiance, applauded every repressive measure adopted by the Executive,¹ and demanded extremities from which the responsible advisers of the Crown wisely and naturally recoiled. It was the Duke of Bedford, and not Lord North or his colleagues, who, when the Crown was paralysed by the impossibility of obtaining, on any evidence, a verdict from a Massachusetts jury, proposed to revive one of the worst statutes of Henry VIII., and bring the ringleaders in riot and sedition to trial in Westminster Hall.

That section of the Opposition which resisted the policy of coercion was insignificant in numbers, and lost by its extravagances the weight that might have attached to the opinions of Rockingham, Camden, and Burke. Fox was a violent supporter of the strongest repressive measures till his Parliamentary insubordination on another point was properly visited with dismissal. The suddenness and occasion of his conversion greatly impaired the effect of his powerful reasoning and vigorous eloquence. At the crisis of the struggle, from the spring of 1775 to that of 1777, Lord Chatham was again

¹ See Bartlett, i. p. 331.-2.

secluded at Hayes by a return of his mental malady. It is painful even now, for those who remember what he had been and done, to note the unpatriotic and unconstitutional language, the recklessness of imputation and intemperate partisanship, that characterise the political utterances of the great Minister's later years. To those who have observed the first symptoms and the too frequent *sequelæ* of intellectual disease, the tone of Chatham's later speeches suggests that his mind never completely recovered the prolonged and profound attack of hypochondria which drove him from power in 1767, and was yet more lastingly impaired by the relapse of 1775.

In full possession of his judgment, a statesman who had so lately held office, who had received a cordial and thorough-going support from the King, could hardly have thrown out the imputation—now known to have been utterly unfounded—of secret counsels and 'a power behind the Throne.' If passion or prejudice had led him into such an error, the emphatic contradiction received from his own lieutenant and successor, and confirmed on behalf of the Rockingham clique, the King's bitterest enemies, by an outspoken soldier like General Conway, must have convinced him of his mistake and elicited a full and frank retraction. He certainly could not, as he did, have maintained and reiterated the charge. The coolness and harshness with which, on his return to public life, he had requited Grafton's fealty, was itself evidence of that unreasoning temper which betrays mental unsoundness. Comparing the downright ribaldry of the Opposition orators with the good-humoured, telling, dignified, and slightly contemptuous replies of Lord North, the reader who can forego the vantage-ground of posterity, and place himself on the level of contemporary judgment and knowledge, must feel that the confidence of the King and Parliament, was naturally and reasonably bestowed on the Ministry rather than on its intemperate, extravagant, and blindly prejudiced accusers.

The time came, indeed, when the policy of the Government was no longer that of Lord North or his colleagues; when the Premier became the reluctant agent instead of the confidential

adviser of his master ; when the course of the Administration and the prosecution of the war were really dictated by the King. But long ere then the period of choice, the opportunity of conciliation, the hour of repentance had gone by. The alternative was no longer between coercion and concession, but between surrender and conquest. Throughout the political stage of the quarrel, throughout the first years of the war, the Houses and the nation were scarcely less earnest, indignant, and resolute than the Sovereign.² The exclusive or especial responsibility of George III. commenced only when the heart of the country had failed ; when the merchants were weary of commercial losses, the shopkeepers of ever-increasing burdens, Parliament and the public of an ill-conducted and disastrous war. The King's sole fault was that, as became a monarch, he was the last to despair of his country ; the last to consent to the dismemberment of his dominions, the dishonour of his flag, the abandonment of the loyal subjects who had staked their property, their personal security, and even their lives in his cause.³

And those who incline to blame George III. harshly for his persistent hopefulness and indomitable courage are bound to remember *whose* voice was last raised in Parliament against surrender. Chatham, who, had he retained his health, would have averted the conflict—who, could he but have been temperate and reasonable, might have done much to appease it—the advocate of conciliation, the champion of resistance, the apologist of rebellion—rose from a sickbed, at conscious risk of life, to protest against the humiliation of his country ; and gave his dying voice for the vigorous prosecution of the war at the moment when the royal will alone maintained the struggle. The sole imputation that can be justly thrown upon George III. must be shared, then, with the greatest of his opponents. Candid and scrupulous critics are estopped from reproaching the King with an obstinacy no greater, a patriotic resolve no more stubborn, than Lord Chatham's.

² The Amendments moved by the Opposition on the Address in 1777 found but 46 supporters in the Upper House and 87 in the Lower.

³ *Cf.* Stanhope, chap. 53 *in fine*.

CHAPTER V.

THE AUTHORS OF THE WAR.

Organised Treason—The 'Liberty'—Attack on the Troops—Open Rebellion—Hutchinson's Weakness—Bar cowed by the Faction—Trial of the Soldiers—Boston and the Faction censured from the Bench.

IN the Colonies at large the effect of Townshend's folly was not at first considerable. The way in which the mischief had been done, the insignificance of the duties, the acceptance of the Colonial distinction, the speedy death of the author, perhaps above all the great name of Chatham, helped to quiet their alarms. A retaliatory 'association' to import no English goods till the obnoxious duties were repealed—an ominous resolve if likely to be executed—served as a protest against measures which, after the experience of the Stamp Act, were neither worth the cost of enforcement nor the noise of active resistance. But the men who controlled the Legislature and the mob of Massachusetts had other ends in view. They wanted a quarrel—the sharper and more dangerous the better—and did their utmost to blow the tiny spark into a destructive conflagration.¹ The Assembly addressed an inflammatory circular to the sister Colonies, and paraded, with ostentatious defiance, their deliberate preparations for civil war. Upon a question which *of itself*² would hardly have justified a torchlight procession or palliated a street row, they proceeded to the very verge of armed rebellion. On the barefaced pretext of an apprehended war with France (!), of whose goodwill and pacific intentions they were fully assured, they called out,

¹ There was from the first a party . . . who incessantly laboured to bring about . . . independence.—Bartlett, i., p. 387.

² The question of internal taxation had been settled in their favour. The tea-duty belonged to the class of Parliamentary taxes which they had then deemed to be rightful, and could not be made a precedent for internal taxation.

drilled, and practised the militia. Ball-firing was constantly kept up under the windows of the Governor and in sight of the Castle, whence the royal flag still waved.

John Hancock, next to Samuel Adams the most forward and active of the conspirators, owned a sloop named the 'Liberty,' which anchored in the harbour of Boston laden with wine. The Customs officer went on board as usual, and on refusing the proffered bribe was seized and imprisoned by the captain. The latter, with Hancock and his associates, then landed the cargo in open defiance of the law. Such an outrage left the Customs authorities no choice. The smuggler's ship was seized, and moored under the guns of a royal frigate.

Hancock and his fellow conspirators, mingling private and public aims, and using the populace of Boston to subserve both, had the Commissioners of Customs mobbed in the street. On the next day their houses were attacked, their windows broken, their collector's boat paraded through the town and burnt on the Common, and they themselves insulted, assaulted, and forced to take refuge in the Castle from the calculated fury of the faction. The fact that one of their number, John Temple, a corrupt official and intimate associate of the 'patriots,' remained unmolested is actually quoted as a proof that the fugitives were in no real danger! The Government had already sent for soldiers, and was bitterly reviled for so doing by the very men who demonstrated, on this occasion, that the civil power was at the mercy of the mob and its instigators. The Assembly was not ashamed to offer a reward for the discovery of the ringleaders. Every one of its members knew them well. Hancock's guilt could have been proved by half the people of Boston. His captain and accomplice, Mason, was parading the streets at the head of the mob. The chief culprits sat on the grand jury, defied the Government, and eluded the proof that party spirit had thoroughly infected the administration of justice.

The Assembly was dissolved by orders from home, and the Governor refused to call a new one till a few months later, when, by the terms of the charter, he was compelled to con-

voke it. The disaffected party proceeded to hold a mock election, and assembled a so-called provincial convention in Faneuil Hall; but its members were as yet afraid to stake their property and liberty on the designs of the conspirators. Receiving a grave warning from Governor Bernard, they remained sitting just long enough to avoid the appearance of instant submission, and dispersed without taking any steps that could serve the purposes of their constituents or expose themselves to danger.

On September 19, 1768, the Governor called upon the Legislature to provide quarters for the approaching troops—four regiments drawn from Ireland and from Halifax to keep the peace of Boston. The faction dominated both Assembly and Council, and, having no mind that the peace of Boston should be kept, availed themselves of a technical quibble of law. There was said to be room in the Castle, where the soldiers would be too distant to interrupt the pastimes of the populace; and while there was room at the barracks the Government had no right to quarter troops on the town. The real nature of the pretext was obvious. There were no 'barracks' within the place where the troops were required, and to which they had been ordered; and to station them elsewhere was to render them worse than useless—to encourage the rabble to defy the military as it had nullified the civil power. But the Governor shrank from violence; and the Magistrates being in the hands of the faction, an appeal to the law was hopeless. The commanding officer was compelled to hire for a part of his force, at extortionate rates, quarters 'in which no English gentleman would have kennelled his hounds,' and to provide at the expense of the Crown the requisites which the Colony was bound by law to furnish.

Instigated by the Hancocks, Cushings, and Adamses,* the populace of Boston assailed the soldiers, when they appeared singly in the streets, with insult and menace; and when they marched, in small or large parties, followed them at a safe distance with hooting and revilings. Still professing loyalty to

* Bartlett, i., p. 309, 'a certain party.'

the King and to England, the colonists were not ashamed to treat the national flag and uniform as those of an invading enemy. The Magistrates aided the conspirators by entertaining every frivolous accusation against the soldiers, harassing them for every alleged infringement of sabbatarian and other vexatious and obsolete colonial laws. The officers at first submitted; at last, finding that justice was not rendered and scarcely affected, they resolved to protect their soldiers from groundless arrests and judicial insults.

The French Minister saw his opportunity and was busy in fomenting mischief. His Ambassador in London officially expressed his regret that neither Spain nor France was in a condition to take advantage of so critical a conjuncture.⁴ Meantime, addresses, resolutions, petitions, and menaces poured in from all the Colonial Assemblies. The shrewd politicians who alone knew at what they aimed, and to what result, under their fostering management, all these things were tending, began to recognise the necessity of precipitating a conflict. To them and to them alone the military force was a real embarrassment and substantial annoyance. They could no longer put down all resistance to their will by terror or torture; though, relying on the irresolution of the Governor and the complicity of the Magistrates, they tarred and feathered⁵ one loyalist in the actual presence of the troops. The Magistrates looked on approvingly, and both at home and in the Colonies the notion then prevailed that the troops could not act without the summons and presence of the civil authority.

But as yet Massachusetts stood alone in her preparations for rebellion. Even the non-importation agreement, with

⁴ Du Chatelet to Choiseul, Nov. 18, 1768 (quoted by Bancroft).

⁵ The phrase sounds rather laughable than horrible; the treatment it denotes and implies is the most brutal, cruel, and degrading that can be inflicted without danger to life or limb. It is incomparably worse than the pillory; its filth, indecency and barbarism indicate a tone of public feeling far lower than that which collected crowds to witness a flogging at the cart's tail. Its victims, at this period, were often men of higher social and personal character than the 'patriot leaders'; and were never accused of any other offence than loyalty and independence.

difficulty enforced by threats and violence, was already breaking down, when the recall of Bernard gave the faction⁶ a fatal advantage. The succession fell to the Lieutenant-Governor and Chief Justice Hutchinson, one of the foremost citizens and most distinguished statesmen of the colony, and the popular historian of its earlier fortunes. The Home Ministry not unreasonably assumed that the change would be welcome. They believed, on the authority of the Colonial Government, that the faction was an insignificant minority—that the great body of respectable citizens were at once disgusted and overawed by the outrageous conduct of the mob—and overlooked the symptoms of widespread disaffection; the hatred directed much more against the local supporters of the law than against the most unpopular of officials from home.

During the frenzy of outrage and anarchy which followed the promulgation of the Stamp Act, Bernard had been in little or no personal danger. It was Hutchinson whose life had been threatened, who had been attacked and beaten in the streets, whose house had been forced, pillaged, and destroyed. Untainted with actual corruption, the new Governor is charged with a greed of pecuniary gain which on more than one occasion deflected his political course. Worst of all, he was a coward; thoroughly overawed by the savage violence of which he had been the victim. His terrors, if ignominious and exaggerated, were by no means unfounded. Josiah Quincy, the intimate personal and political associate of John Adams, with the silent approval of his friends, and with absolute impunity, deliberately and publicly recommended Hutchinson's assassination.⁷ Bernard had been irresolute because wholly powerless. Hutchinson was backed by four English regiments. If he allowed the houses of honest men to be smeared with filth and rendered uninhabitable, if he dared not protect the loyal, if he forbore to disperse an outrageous mob, his dereliction of duty can be ascribed only to his personal fears. He

⁶ I apply this term to denote those who were aiming at the dissolution of the Empire by the agencies of violence, and their adherents and tools, exclusively.

⁷ Bancroft, iv., p. 240 (Centenary Ed.).

was not only willing but eager to bring the Anarchists to condign punishment by sending them over for trial in England; a step only less outrageous than the acts it was intended to punish, and sure to drive the Colonists to frenzy. He urged the Home Government to put down "force by force, and maintain law and order at the point of the bayonet; but when himself called upon to carry out his views, to employ the soldiery to protect those who, under his own encouragement, had defied seditious menaces and resisted the non-importation compact, he parleyed, argued, and capitulated.

Under such a ruler the license of the mob and the insolence of its chiefs knew no bounds. The soldiers were hooted and pelted through the streets. At last, on the evening of March 5, 1770, their main guard was assailed by an armed mob. They were taunted, insulted, defied to fire; and, remaining patient, the rabble stoned, assaulted, and closed upon them, till, in self-defence, two men fired without orders. Their captain, Preston, commanded a party of five or six to fire upon the mob, which would otherwise have forced their barracks. Some half-dozen of the rioters were killed or hurt, and the rest ran away. The opportunity was at once seized and improved by the instigators. Under pretext of a town-meeting, they gathered some seven thousand armed malcontents from the surrounding country. Samuel Adams and several other ringleaders undertook to deliver the command of this seditious assembly to the Governor and to enforce it by threatening an instant attack upon the royal troops. Meantime, the insurgents—they can be called by no other name—remained under arms, professedly prepared to execute their menace of rebellion and massacre. Samuel Adams held the tone and language calculated to frighten and overawe his weak or craven antagonist. He knew better than to have ventured on such an errand into the presence of Gage or Bernard. A man of spirit, having a battalion at his back and a brigade within call, would on the first utterance of treasonable menaces have marched the deputies of rebellion in irons and under guard to the Castle, and held them as hostages for the immediate dispersal.

of their armed followers. Hutchinson quailed, hesitated, said he had no authority over the troops. Adams reminded him that, 'in the absence of any officer of the rank of brigadier-general, the Governor of the Colony could give the word.' Dalrymple, who commanded the troops in the town, acknowledged his obligation to obey the Governor's orders. Hutchinson strove in vain to evade at once the responsibility of doing his duty and the shame of openly flinching from it. But from the moment when treason had been spoken and massacre threatened with impunity in his presence, his power and authority were gone. The avowed leaders of insurrection went not merely unpunished but triumphant from the presence of their Chief Magistrate.

That a Colonial jury would at once have acquitted them affords no excuse for the Governor who failed to arrest them. Such an acquittal would have proved 'beyond question that no justice was to be obtained from elective officers and their juries, and justified any legal changes necessary to take the trial of political offences out of their hands. It is true that on the possession of arms and the power to use them, in determination and ferocity, an American mob resembles less the rabble which has sometimes reduced an English city to the condition of a town taken by assault than the militant populace of Paris; and of all American mobs the mob of Boston, between 1760 and 1775, was the most dangerous and desperate. American mobs have repeatedly faced, fought, and sometimes defeated the trained militia of the States, and confronted even the regular troops of the Union; and the ten thousand rioters, whom Samuel Adams and John Hancock could muster at a few hours' notice, were excellent marksmen and half-drilled soldiers—were the same men who, a few years later, displayed their ability and readiness to face the royal troops anywhere except in the open field.

The temper of the disaffected party and the terror they had inspired were yet more signally demonstrated. Captain Preston and his soldiers were arrested and held for trial. A gentleman of credit and character requested John Adams, as

a barrister, to undertake the defence of the accused. It is needless to say that no such appeal would have been made save under the most stringent compulsion. Lawyers of unquestioned loyalty undertake, as matter of course, the defence of traitors, of political assassins, and notorious *dynamitards*; but it has never been the practice of loyal men, least of all of British officers, to invoke the aid of seditious lawyers. The reason was plainly given. No Colonial barrister *dared* defend the accused unless Adams would set the example. That a large minority, at least, of the profession sympathised heartily with Preston, there can be little doubt. Professional honour required every barrister not engaged for the prosecution to accept a brief for the defence. Nothing but intense and well-founded fear could have induced—not one or two timid gentlemen, not even a mere majority, but—the whole Bar of a province like Massachusetts to flinch from their first duty as advocates and citizens, to abandon the defence of men arraigned on a capital charge; above all, when the life and honour of a loyal gentleman and soldier were in question. Were there no other evidence of the organised terrorism maintained by the malcontents, of whom John Adams was a principal leader, the conduct of the whole Colonial Bar puts it beyond doubt that no loyal advocate could have appeared for the accused without palpable and fearful peril.

Adams saw and snatched his opportunity—if he had not planned and prepared it. He risked nothing, for the most influential of his political associates had agreed to follow his lead and avouch to the populace his fidelity to their cause.^a A few howls and hisses, a little temporary misunderstanding, was a cheap price to pay for the claim which, as the defender of Preston, he would acquire to the indulgence of the Government. He was deeply engaged in practices which, should the reign of law ever be restored, might put his property, his liberty, perhaps his life in jeopardy. As the advocate of the soldiers, as a man who had rescued the Government from a cruel dilemma and its agents from imminent risk of judicial murder, he

^a *Life* (ed. 1871), i., p. 146.

might hope that in the worst event they would connive at his escape. By releasing innocent necks from the halter, he might unravel that which might one day be twisted for his own.

The tone of his defence confirms this view of his motives. His colleagues were chiefly men of his own set—among them Quincy, the instigator of assassination; proof positive that even yet the loyal bar and the advisers of the accused were under stringent coercion. The case of the defendants rested upon the overwhelming evidence that the mob were the aggressors, that the soldiers had fired only in defence, if not of their lives, certainly of the post they were bound to hold and of their military honour. But Adams seized the opportunity to introduce political matter of a very questionable character, to insult, though covertly, both his clients and their Sovereign. The story of the 'Boston Massacre,' put forth at the time to inflame the passions of the people and deprive the accused of a fair trial, was proved in open court, and is acknowledged by the biographers of John Adams,⁹ to be a tissue of falsehood. Nevertheless, it has taken its place among the unchallenged fictions of American history, in the teeth of evidence on which a Boston jury returned a verdict of not guilty, except in the case of those two soldiers who had fired without orders. Four Judges unanimously pronounced from the bench that the justice of the acquittal was unquestionable. They rejoiced that the soldiers were so thoroughly vindicated, but expressed themselves ashamed to learn how deep a disgrace attached to the people of Boston.¹

Outrages even more audacious than those which had signalled the disaffection of Massachusetts were perpetrated elsewhere; especially in Rhode Island and in Connecticut, under the connivance of rulers elected by the people. The fishermen of the former Colony, incited by men of higher position and more familiar with the law, committed flagrant

⁹ *Life*, i., p. 153-4 (ed 1871).

¹ Compare the accounts of these transactions given by Mr. Bancroft, Lord Stanhope (*History of England*), and in the *Life of John Adams* by his son, J. Q. Adams, continued by C. F. Adams.

piracy. Two King's vessels, employed in pursuit of smugglers, were on different occasions surprised, captured, and burned by a flotilla of fishing boats, and no attempt was made or affected by the authorities to bring the offenders to trial. On the contrary, they were screened and sheltered by men whose conduct on this, as on a former occasion, suffices to show that the outrages were no chance impulses of a local mob, but that a party powerful enough to involve the Colony approved them and accepted the responsibility.

CHAPTER VI.

CURRENT FALSEHOODS—AN AMERICAN MORALIST.

Radical Misconceptions—Character of the Puritans—Franklin—The Stolen Letters—Thief and Receiver—American Views of Honour—Franklin's Disgrace and Revenge.

It is the office of an historian not merely to relate facts truly and accurately, but to exhibit them in their true light, in their moral aspect and political bearings. The duty is doubly imperative when the truth has to be laid before a public which has for generations accepted a false tradition of the case at large, uncorrected by any familiar knowledge of its details. The great majority of readers come to the history of Plymouth, Massachusetts, and Connecticut with a prejudice based partly on a total misconception of the Puritan character, partly on the extravagances of American hagiology, which no bare recital of facts will suffice to dispel. No one will read aright the first century and a half of American history who has not shaken off the influence of the current tradition of Puritanism; the idea that Knox and Peters, Endicott and Prynne, were the champions of civil or religious liberty. True history knows the Puritans as the most merciless, consistent, and determined of Protestant persecutors. England found their little finger heavier than the loins of the Star Chamber. In Ireland their ferocity vied with the worst cruelties of the insurgents of 1641. In Scotland the savagery of the Covenanters throws utterly into the shade the real, and even the reputed executions of Dalziel and Claverhouse.¹

To a right understanding of American history it would

¹ See the facts as given by Professor Aytoun and Mr. Paget (*Paradoxes and Puzzles*, 1874), and note the absence of facts and authorities in Macaulay's diatribe.

seem almost essential to re-write the reigns of the Stuarts and the latter years of Elizabeth. Failing such a preface, the writer who strives to exhibit the course of Colonial history in its true light, especially at the point we have now reached, finds himself at a double disadvantage. Through party misrepresentation and national generosity, the notion that America was wholly and invariably in the right, that the quarrel was wantonly provoked by the Home Government, that English tyranny and injustice alienated in ten years communities in 1765 as heartily and enthusiastically loyal as Kent or Lancashire, has become an accepted article of historical faith. The personal character and conduct of the more distinguished American chiefs, Washington and Henry, Adams and Jefferson, in the first stages of the quarrel, are judged in the reflected light of their subsequent career. The purity of their motives and even the righteousness of their cause as rebels are inferred from their fame as American statesmen. Nay, their characters are taken exclusively from their respective apologists, and it is forgotten that the acquittal of one implies the condemnation of another. Each Federalist and Republican leader is taken at the valuation of his warmest admirers. The story of the American Revolution has been gathered at second hand from the works of the most extreme American partisans.

The prejudice with which a writer, who attempts to judge the English statesmen and American leaders of the Revolution alike by the received standards of honour and morality, has to contend is nowhere more forcibly illustrated than in the case of Benjamin Franklin. The merits which have made him a hero of romance, a popular idol in his own country, a type of democratic simplicity, of philosophic dignity, an ideal moralist and man of science, will ill bear a critical examination. His ethical platitudes may compare advantageously with those of Martin F. Tupper; his elementary experiments in physics hardly place him on the level of Rumford or Dalton. His ostentatious indifference to riches did not prevent his accepting a lucrative sinecure and bitterly resenting its forfeiture.

Scrupulous veracity can only be ascribed to him by those who have not compared his private letters with his public professions. He was one of those who, rising early to fortunes to which they were not born, with no expensive tastes wherein to indulge themselves or their families, and living as comparatively rich men in a society of limited fortunes and simple habits, have gained high praise for moderation at a cheap rate. In 1770 he held more than one well-paid office, as the salaried agent of two or three Colonies, and the Deputy Postmaster-General of British America. The latter position, according to the usages of his time, he had in some sense earned by brief but useful services in the organisation of his department. But in this respect Franklin stands on the level of many other sinecurists.

As the political agent of the most disaffected of the Colonies, he held as long as possible not a moderate so much as an ambiguous or double course; taking care to let his English friends know what moderate counsels he had written to America, parading in America the popular advice he had given in England, but never pressing good advice so far as to offend a Minister or incur the distrust of a faction. In disputing the propriety of the Stamp Act, he had formally and decisively admitted the right of Parliament to regulate commerce and impose external duties; but he was not ashamed to denounce the duties which Townshend based on that very distinction. No man ever saw more acutely and promptly on which side his bread was buttered; and, while keeping as a supposed moderator the confidence of Englishmen, he took care to pass for the warmest of patriots with the countrymen on whom his fortunes must ultimately depend.

One signal example of his exceptional views of truth, honour, and honesty will suffice. In 1772 died Thomas Whately M.P., the *quondam* private secretary of George Grenville, and at a later period Under-Secretary of State. For many years preceding his death he had been out of office; a private member of Parliament, but on terms of personal friendship and political confidence with many lead-

ing statesmen. He was, therefore, well known to Colonial Governors and officials, and seems to have been regarded by them as an especially appropriate channel for the unofficial communication of opinions it might hardly have been safe to trust to formal despatches. Hutchinson and Oliver—stamp distributor and afterwards Lieutenant-Governor of Massachusetts—had kept up a close correspondence with him before their promotion. These old letters were stolen—whether from the desk of their deceased owner or from that of some one to whom they had been lent. The thief was, almost certainly, Temple; that local Commissioner of Customs whose relation with the owner of the *Liberty* is decisive as to his good faith; whose dishonesty even his apologist, Mr. Bancroft, has unwittingly acknowledged. The historian, who accepts Temple's denial of the theft at the time, omits to record that he afterwards boasted of it to John Adams.² Neither boast nor denial is entitled to the slightest credit; each, standing alone, would be evidence, however slight, against its truth; but of the fact there seems no reasonable doubt.

The letters were as strictly private as the confidential correspondence of a commercial firm or of intimate personal friends. No one will challenge the general application of Swift's maxim—'the receiver is as bad as the thief.' When the former had been admitted into the best society of England, held high office under the Crown, and stood before the world as the quasi-diplomatic representative of a leading Colony, his share of responsibility is of course proportionate to his public position, social opportunities, and personal reputation. The confession or the demonstration of his guilt could hardly blacken a character like Temple's. The crime of his accomplice was presently blazoned to all the world; for that accomplice was Benjamin Franklin. He saw at once to what advantage his stolen information could be turned. The letters reported truthfully the violence and lawlessness of the colonists, the utter hopelessness of obtaining justice in Colonial Courts, the incompatibility of the existing charter with the mainte-

² Stanhope's *History*, chap. II. : with authorities.

nance of law, order, and peace, with the safety of loyal subjects and the authority of the Crown. Mr. Bancroft endeavours to slur the true character of the act by vague declamation about 'conspiracy' and 'libel upon the Colony.' A gentleman who held high public office should have known that it is the duty of public servants to report facts and opinions truthfully and frankly to their employers; that, in representing the case as they regarded it, Hutchinson and Oliver simply fulfilled an imperative public obligation.

The opinions of the writers were notorious, their unpopularity such as the publication of those opinions could hardly aggravate. Even the poor pretext of party zeal—that his fraud secured important and authentic information for his paymasters—cannot therefore be pleaded on Franklin's behalf. The stolen evidence taught them nothing they did not know. But the letters were well calculated to inflame the passions of the Assembly and of the populace, and to endanger the personal safety of one whom an intimate friend of Franklin had marked for assassination. The ill-gotten goods were transmitted to Cushing, the Speaker of the Assembly and a leader of that which—as distinguished from the disaffected multitude and the malcontent party in other Colonies—may be called the Separatist conspiracy; with an injunction that they should not be published. That injunction was violated, and the violation excused on the pretext that other copies of the same letters had been received; upon which point Franklin directly contradicted his allies. The leaders based upon the stolen papers a petition for the dismissal of the writers. That petition was adopted, and the conduct of their agent endorsed, by an all but unanimous vote of the Assembly.

In February 1764 the petition and the facts of the case were laid before the English Privy Council. Franklin was summoned, and, while withholding the name of the thief, avowed himself the receiver, and took upon himself, with an audacity astounding to the boldest of French, English, or German gentlemen, the whole responsibility of the transaction. When pressed with questions, he pleaded that he had not ex-

pected such an investigation, and was not assisted by counsel. The plea was allowed, and at the next hearing the virtual culprit was attended by Dunning, the ablest lawyer of the Opposition. Mr. Solicitor Wedderburn, who in this informal proceeding acted as counsel for the prosecution, denounced with unsparing severity the Post-office official who had made himself a party to the theft of letters, the Colonial agent who, received in his official and personal character into the society and even the friendship of English gentlemen, had not scrupled to violate the well-understood sanctity of private correspondence. Into what society, he asked, 'could Franklin hereafter go with an unembarrassed face? Men would hide their papers from him and lock up their escritaires. He had been known, and creditably known, as a man of letters. Henceforth that name must be to him the keenest of reproaches.

'A man of letters? Yes, a man of three''

Neither Franklin nor his advocate had a word to say upon the merits of the case. Dunning's pleading amounted to this: that Franklin was not on trial; that the substantial question was the petition of the Massachusetts Assembly for the removal of two officers of the highest rank. Such a plea under such circumstances was a confession that defence or excuse was impossible. Franklin's apologist complains of the severe but unquestionably righteous reproaches of Wedderburn, as 'an insult to the great plebeian;' an aptly chosen epithet for one who had avowed a standard of truth and honour so signally the reverse of patrician! Greater reserve might have befitted the language of a prosecuting counsel; but when moral reprobation was the sole available substitute for a criminal sentence, it could hardly be too strongly and emphatically pronounced.

Dismissal from his high and lucrative office was the only punishment the Crown could inflict, in the absence of that technical proof which would have sent the offenders to a felon's cell. The culprit went forth dishonoured, but resolutely maintaining the air of injured virtue. From that moment, while

'Four—a thief.'

still professing, in converse with Englishmen, a profound attachment to the mother country, a passionate shrinking from rebellion, he was among the bitterest, most determined, and least scrupulous of the secret promoters of separation and civil war. At the commencement of the session of 1775 he solemnly assured Lord Chatham that he had never heard, on the whole American continent, from any person drunk or sober, a hint of a wish for separation; and 'Lord Chatham expresses much satisfaction in the assurances I have given him that America did not aim at independence. In a secret letter, dated November 27, 1774, his intimate associate, Josiah Quincy above mentioned, reports to his confederates at home: — 'Dr. Franklin is an American in heart and soul: His ideas are extended upon the broad scale of total emancipation. He is explicit and bold upon the subject.' Equally bold and equally explicit, in an exactly opposite sense, with men who, however passionate their sympathies with the colonists, were still loyal to Crown and country!'

'The facts, about which there is no dispute, are given in full by Lord Stanhope; less clearly, but to the same purport, by Mr. Bancroft. The reader may look to the innumerable Lives, Memoirs, and voluminous papers of the parties concerned for contemporary comments and for the apologies devised by and for Franklin.

CHAPTER VII.

THE BOSTON TEA ROBBERY.

Rebellion secretly plotted—English Policy systematically perverted—The Boston Piracy—Coercion wilfully necessitated.

MEANTIME every incident of the flagging controversy inflamed by Franklin's timely artifices, every measure of the Home Government—whatever its character and tendency—every act of violence in the Colonies, whether due to their direct instigation or to the violent passion they had excited, was turned by the leaders of the conspiracy to the best possible account. The acts of Rhode Island and Massachusetts mobs had committed them. If they would avoid punishment they must go further still. That all Townshend's duties, that on tea excepted, were repealed, was evidence of conscious and wilful injustice. If, as must have been known to the agents in England and their employers, the tea duty had narrowly escaped—escaped, in fact, by a single vote in the Cabinet—this significant fact, this obvious opening for negotiation, was studiously concealed. The fact that the tea duty could in no case yield 50,000*l.* was twisted to prove that it was but the prelude to a systematic scheme of *internal* taxation, to a land-tax and an excise! This, after several years had passed without a serious attempt to enforce the payment of the duty, even partisans so blindly passionate as Samuel Adams can hardly have believed. At last a measure, intended practically to compromise or get rid of the dispute, was perverted to precipitate a collision which should render longer forbearance on the part of England impossible. The consumption of tea in the Colonies was supplied by smugglers of Hancock's type, and the duty received from America did not exceed 300*l.* a year.

For reasons unconnected with American affairs, Lord North was anxious to help the East India Company through serious, if temporary, financial difficulties. He permitted them to export tea direct to the Colonies, paying only the threepenny colonial duty. The effect of this compromise was to relieve the colonists from the very much heavier English duty, about which there had been no dispute. A wiser, more effective, more generous concession could hardly have been devised. The unprecedented cheapness¹ of the imported article must have brought home, within a few months, to the whole population of the Colonies the falsehood of the charges preferred against the Ministry; the liberality of their treatment would have rendered them absolutely indifferent whether the duty were paid at Bristol or at Boston. The Separatist faction was driven into the last ditch. It must not be forgotten, in inferring the intentions of the Americans at large from their conduct, that they were used to riot. Anarchy was the normal state of Pennsylvania and the Carolinas; Virginia herself had been more than once guilty of acts which, in Great Britain or Ireland, would hardly have been distinguished from rebellion. Force was an everyday remedy for petty grievances, and many words and acts which in Europe would have been symptoms of festering treason and imminent open insurrection, meant in America only an outbreak of discontent and excitement a little louder and more intemperate than usual. The extreme party in nearly every province was induced to resolve that the tea should not be sold; that, if landed, it should be bonded till the duty was repealed, or the cargoes reshipped.

This would not serve the purposes of the conspiracy; and the chiefs of the movement in Massachusetts determined to use their organised and formidable mob to carry out a more violent and more decisive policy. A proclamation, whose source was notorious, warned 'the Mohawks to be ready' if an attempt was made to land the East India Company's teas. Hancock, the Adamses, and other Separatist conspirators now

¹ Bartlett's *History of the United States*, p. 321. But the point is clear even from the one-sided statements of American party writers.

came openly forward. In language perfectly intelligible, they threatened the lives as well as the property of the consignees. Shipowners were forbidden, 'on pain of being treated as enemies of the country'—that is, of any penalty from tarring and feathering up to murder—to import tea from Great Britain or her possessions. An armed watch was set upon the streets and port, without interference from the terrified Governor. The ships arrived, and, having landed the rest of their wares, would fain have carried back the obnoxious article. But, having entered and not discharged their cargo, no clearance could be given. On December 11, 1773, a self-constituted committee, with Samuel Adams in the chair, undertook to call the owner of one of the principal ships—the 'Dartmouth'—before them, and ask why he had not kept the engagement, previously forced upon him, to send the tea back to London. He replied, what they well knew, that it was utterly out of his power. On the 16th a mob-meeting of seven thousand anarchists was convened to overawe the Government. Hutchinson had already slunk away to his country seat. The owner of the 'Dartmouth,' trembling for his life, informed the meeting that he could not obtain a clearance. 'Then,' Samuel Adams announced, '*this meeting* can do nothing more to save the country.' It was the preconcerted signal. A gang of partisans ready painted and disguised as Indians—in presence of the seven thousand accomplices led by Samuel Adams, Hancock the smuggler, John Adams,² and several other principal conspirators—went down to the port, boarded the ships, broke open the chests, and threw the tea overboard.

This act of violence served its secret purpose. The Crown was bound to maintain the peace in harbours, home and colonial, and bring to justice the men who had boarded and plundered merchant ships, by open violence, in sight of half Boston. Any prosecution before intimidated judges and Colonial juries could be nothing but a mockery.³ The Home Government, if it would not abandon America to the will and pleasure of an anarchical faction, must enforce the law through

² Journal, quoted by Bartlett, i. p. 323.

³ *Id.* 322.

other than Colonial agents. The outrage of December was repeated at Boston in February 1774, and imitated in New York. Elsewhere the teas were landed and left to rot in bond, a form of resistance legal, peaceful, and secure, and therefore rejected by the small faction which wanted war.

No man in England was more sensible than Lord North of the terrible dilemma in which the Boston piracy had placed the advisers of the Crown. No man was less addicted to violent measures.⁴ It would argue a wholly false conception of Chatham's character and temper to suppose that, in Lord North's place, he would have tamely submitted to so gross, deliberate, and defiant an outrage. The responsibility of severity and of sufferance was equally grave. To enforce the law might risk the dismemberment of the Empire; to yield before organised insurrectionary violence threatened its dissolution.

Lord North introduced a Bill to close the port of Boston; and it is worthy of note that neither Lord Chatham nor Colonel Washington—the latter now deeply committed to the party of resistance, though not to the faction whose ulterior aims were still concealed—ventured to raise a serious objection upon the merits of the case. They could but allege that, before resorting to so severe a measure, and punishing the whole town for the act of some threescore desperadoes (ignoring their seven thousand accomplices), compensation should have been demanded for the stolen goods. Till such compensation was refused, the actual guilt of the community at large should not have been taken for granted. Technically the plea was probably sound, but never was technicality more extravagant. Of the responsibility of Boston no man of common sense and common information—certainly neither Chatham nor Washington—entertained for a moment the shadow of doubt. No such outrage could have been committed in a loyal and law-abiding town of sixteen thousand inhabitants. The cool audacity of the fifty or sixty actual

⁴ 'The Home Government' had displayed in enforcing taxation the utmost moderation and lenity.' Bartlett's *History of the United States*, i. 829.

perpetrators, the parade of several thousand accomplices, the fact that neither of the Adamses, nor Hancock, nor any other of the well-known ringleaders was punished, tried, or even arrested, afforded proof positive of the collective responsibility of the community. To every loyal citizen, to every man who preferred the peace of the Colonies, freedom of speech, security of property, law and order to the chances of revolution, decisive measures must have been the most welcome. Martial law was infinitely preferable to that mob law which had for several years been the practical government of Massachusetts. *Κακίστην τυραννίδα ἀναρχία.*⁵ To delay, to palter with the selectmen of Boston or the Colonial Assembly, to treat with those whose complicity was notorious and almost avowed respecting the punishment of the offenders or the compensation of the sufferers, was no longer possible. No choice was left to earnest and responsible statesmen. Time could but profit the Anarchists.

'Do you ask,' said Lord North, in reply to the very few who were not ashamed to take the part of the rioters, 'do you ask what the people of Boston have done? I will tell you. They have tarred and feathered your subjects, plundered your merchants, burned your ships, denied all obedience to your laws and authority.' And again, 'It appears that the civil magistracy has been for a series of years uniformly inactive; and there must be something radically wrong in that constitution in which no magistrate for such a series of years has ever done his duty in such a manner as to enforce obedience to the laws.' To such arguments there was no tenable or even plausible answer. The Boston Port Bill was followed by a measure modifying the constitution of Massachusetts in so far as to enable the Governor to act without the support of hostile magistrates and a disaffected Council. The election of sheriffs and jurors was taken from a people whose sheriffs had never resisted a mob or arrested a Terrorist, whose juries had never given a verdict against a 'patriot' taken red-handed. If law were to be enforced, if protection were to be

⁵ 'Anarchy is the worst form of arbitrary rule.'

given to peaceable citizens, if life, limb, and property were not to be at the mercy of the Adamses, Hancocks, and Cushings, the Bill was simply indispensable, and the change confined within the narrowest possible limits. The simultaneous concession of their familiar laws and liberties to the French Catholics of the Canadas was enumerated among the grievances of Massachusetts and Connecticut.

Lord North was too shrewd a man to suppose that, in the present state of affairs, Acts of Parliament had other efficacy than they might draw from the determination of an able and resolute Governor backed by an adequate force. Hutchinson's failure, if not his radical weakness, was obvious. He was recalled, though still consulted and trusted; and the charge of a Colony already on the verge of rebellion was naturally given to the chosen chief of the military force. General Gage was a loyal and courageous soldier, but, as events proved, a weak commander and a timid statesman; the last man to assume a dangerous personal responsibility, and make good, by his own energy and at his proper risk, the infirmity of purpose and vacillating counsels of his distant superiors.

In North Carolina, an actual but purely local war had broken out in 1771. The rude and lawless farmers of several inland counties had preferred bitter complaints of the local officials appointed by Governor Tryon, accusing them of corruption and extortion. The Governor sustained his nominees; the malcontents, organised under the name of Regulators, set him at defiance, threatened the obnoxious authorities, and closed the Courts. The case was eminently one for firmness and forbearance. The Governor mustered the militia of the loyal districts, marched against the insurgents, and put down their resistance with serious bloodshed on the field, followed by punishments wantonly numerous and severe. At another time the Home Government would have enquired strictly into the matter, and probably superseded the Governor. As it was, North Carolina suffered for the misdeeds of New England. The lawless actions and rebellious tendencies of the latter naturally inclined the Government to assume that

Tryon had only acted with prompt energy and righteous severity. He was, however, removed, but by promotion to the higher Government of New York; and his successor, Martin, had appeased the local discontents of North Carolina before the spreading storm of Continental insurrection reached the South, and dissolved the ties of allegiance throughout the thirteen Colonies.

CHAPTER VIII.

MEASURES OF THE INSURRECTIONARY FACTION.

Congress—Ascendancy of the Faction—New England in Rebellion—English Conciliation—The Colonies alarmed for their Charters.

THE ringleaders of Separation better understood their business. It was necessary not only to their success, but to their personal safety, to embroil Massachusetts yet more deeply with the mother country; and commit the other Colonies before they had time for temperate reflection, if possible before they knew what they were doing, to a cause in which they had no real interest and for the most part, no enthusiastic zeal. To this end the assembling of an American Congress was obviously an important preliminary step. The delegates of twelve Colonies (Georgia excepted) assembled at Philadelphia in the autumn of 1774, and another was summoned for May 1 ensuing. The proceedings of the former were of no great moment; the Congress of 1775 first gave to the insurgents of New England the formal sanction of the sister Colonies, and bound the latter to follow Massachusetts in her headlong plunge into the gulf of civil war. The nature of the elections had given the disaffected party an unfair and exaggerated preponderance. The deputies of legal Assemblies represented their several Colonies; the nominees of conventions plausibly claimed to do so. In both instances scrupulous loyalists were almost necessarily excluded, and none but partisans of resistance—not necessarily or generally of independence—had much chance of election. But the nominees of committees and popular meetings of course represented only the directors of the extreme faction. To that faction belonged the delegates of the four New England

Colonies. Nevertheless, divisions were very close, and the moderate Opposition so powerful that the anti-English party found it prudent to postpone all measures to which they could not obtain by persuasion, coercion, or deception, an apparently unanimous consent. They were satisfied with declarations of ambiguous meaning, to which English statesmen like Chatham, Camden, and Shelburne might have given their approval; with demands for the repeal of recent acts, and especially of those directed against the Colony of Massachusetts; and with a resolution to suspend all commerce with Great Britain and Ireland or their dependencies—the thirteen Colonies of course excepted. But the wording of this resolution itself betrayed their doubtful and divided counsels. South Carolina found no sufficient market for her rice crop—her staple produce—except in England; and her co-operation was only secured by an exception fatal to the consistency and permanence of the measure.

Meanwhile, the Government of Massachusetts was practically dissolved. The Councillors appointed by the Crown had been compelled by covert or open threats of assassination to resign their seats. A similar terrorism had coerced the local officials and magistrates appointed by the Governor. Governor Gage had issued writs for the election of an Assembly; but, finding that the legal number of the Council would be insufficient, and that therefore no constitutional legislature could be assembled, he was forced to revoke them. His revocation was set at nought. The disaffected party held the elections notwithstanding, all loyalists and nearly all prudent and peaceable citizens of course abstaining; and thus monopolised the control of a body which laid claim to a popular origin and representative character. The Convention, by its first proceedings, threw off the mask of legality, and assumed its true position as a revolutionary gathering. It did not for a moment observe the limits and constitutional restraints which bounded the powers of a regular Assembly. It first dispensed with the joint authority of the Council. It proceeded to substitute for the Governor a Committee of Public Safety, not

altogether unworthy of that afterwards notorious name. It organised a large body of 'minute men,' selected from the militia, and bound to appear in arms at a minute's warning; established arsenals, and provided ammunition and supplies for twelve thousand men. In Rhode Island the mob seized a train of royal artillery. In New Hampshire they surprised a fort guarded only by six men. Before the close of 1774 civil war had been organised and commenced by the Colonies of New England, and nothing but the forbearance of General Gage and of the Home Government postponed the actual collision for several months longer.

In January 1775 a new Parliament met at Westminster. Misled by the adroit representations of Franklin, whose recent exposure should have placed him on his guard, Chatham moved an address praying His Majesty to withdraw his troops from Boston—thereby renouncing the sole support, the very form and show of government within the Colony. He called upon Parliament to repeal the acts of last session, declaimed against the 'insult' offered to America by the presence of royal troops in a town where the civil authority had long since been paralysed, and staked his reputation on the certainty that the disaffected colonists would compel the repeal of those 'violent,' 'oppressive' acts. A little later he introduced a scheme of conciliation—or surrender—suggested if not drawn up by Franklin himself, which renounced, explicitly and absolutely, the right of Parliamentary taxation, sanctioned the pre-determined meeting of a second (or third) Congress at Philadelphia in the ensuing May, but called upon the Colonies to recognise the supreme legislative authority of Parliament, to provide permanently for the support of civil government, and make a free grant to the King of a perpetual revenue towards the alleviation of the National Debt.

That any of the New England Colonies would have listened to such terms is an assumption contradicted by their whole history. Nor was there fair reason to expect the acceptance of the other provinces. It had been the policy of most of the Colonial Assemblies to keep both the

Executive and the Judiciary in subjection by precarious and arbitrary grants instead of fixed and regular salaries. Is it to be supposed that they would have renounced this cherished object at the bidding of Lord Chatham? Can we imagine that Pennsylvania, for example, would have voted a permanent contribution to the Imperial Exchequer, or, having voted it, would have continued to pay it? If the Assembly of New York had hesitated, the demagogues who controlled the policy and wielded the populace of that Colony would hardly have permitted it to desert the cause of New England. In Virginia and Maryland there would have been a numerous and influential party in favour of acceptance. But that party was without leaders, and cowed, as elsewhere, by the actual or threatened violence of the insurrectionary faction led by Patrick Henry, Peyton Randolph, and Jefferson, and backed by the high authority of Washington himself. Professions of attachment to England and loyalty to the King, freely employed by the latter as by all the more moderate and Colonial leaders, were the commonplaces of political decorum, habit and tradition. They implied at most the belief of the speakers that their demands were not revolutionary: probably an aversion to revolutionary means; but no willingness to recede from claims which would have left the authority of Crown and Parliament an almost empty name.¹ In 1768, while little more than the right of taxation was in dispute, Franklin had ridiculed in private² the loyal protestations of the day, the current professions of deference to the authority of Parliament, provided it were exercised only when and as the colonists approved. But the temper of Parliament, and yet more of the Government, was conciliatory.

Franklin had more than half promised compensation for the teas destroyed, and various attempts were made to arrange a *modus vivendi* upon that basis. It appeared, however, that no conditions which England could with honour or self-respect consider would satisfy Franklin, and even the terms proffered by Franklin were indignantly repudiated by his employers.

¹ Bartlett, i. 386.

² Franklin's Works, vii. 391. Stanhope, chap. 47.

Lord Chatham's attempt, therefore, broke down. Lord North and Lord Dartmouth, now Secretary of State for the Colonies, who shared to the full the pacific inclinations of his chief, brought forward an olive branch of their own. They proposed that, if the Legislature of any American Colony would make a provision for its civil government and for the common defence of America, which the Home Government could accept—and it was well known that the Home Government would not be hard to satisfy—no Parliamentary tax should be levied within that Colony so long as the provision in question was fulfilled. It was fully understood that if Boston chose to repudiate the outrages which her citizens had openly tolerated, and if the Assembly of Massachusetts would vote—as in common honesty, in law and honour it was bound to vote—compensation for the property destroyed, the Boston Port Bill would be repealed.

The offer was laid before the Colonial Assemblies, but was rejected, almost without the courtesy of consideration.³ The language of Chatham, Burke, and other leaders of Opposition only served to render pacification hopeless; aided the faction in Massachusetts bent on that dismemberment of the Empire which Chatham was prepared to resist to the last man and to the last shilling, in defiance not only of united America but of banded Europe. In Virginia the partisans of Patrick Henry had published their decree that every man who presumed, by speaking or writing, to dispute the dogmas they had laid down was 'an enemy to the Colony:' a term whose meaning was not far short of the *hors la loi* of Parisian 'Reds.' In a word, they had, without remonstrance from Washington, and with the full approval of Jefferson, the author of the famous platitudes of the Declaration of Independence, enacted that free speech should be suppressed by terror or by force.

The Boston Port Bill was hailed throughout America⁴ with

³ Bartlett's History, i. p. 380.

⁴ I use the words America and Americans in the loose popular sense which the absence of a convenient name for the territory or people of the United States has brought into fashion. In a still looser sense they are applied to the revolted Colonies and the insurgent party. 'Continental' was the official or quasi-official description of the Revolutionary Government and Army.

an anger and alarm no less natural, and no less exaggerated than the excitement produced in England by the excesses of the New England mob. Against the amendment of the charter, however desirable in itself, the colonists at large were reasonably and naturally determined. American opinion was inclined to resent the best founded *quo warranto* or *scire facias* directed against those charters which were the fundamental constitutions of the several Colonies and the guarantee of their liberties. Parliamentary interference with original royal grants, confirmed by the lapse of more than a hundred years, was regarded as naked usurpation. What the King had a right to give without consulting Parliament, Parliament could hardly have the right to revoke. A better knowledge of law and history might have shown that the Parliamentary revocation of extravagant royal grants was warranted by abundant precedents. But legal technicalities apart, the colonists' tenacity of their original privileges, their jealousy of the omnipotence claimed for a legislature in which they were not represented, was thoroughly English and founded in sound political instincts.

The *status* of dependencies, the principles of colonial law and Imperial authority, were as yet unsettled. The only precedents in point—except that of Ireland—were furnished by their own history. That history seemed to warrant the doctrine that a colonial charter could only be forfeited by judicial sentence; and that such sentence must be based upon a flagrant violation of the charter committed by the chartered authority itself. If Parliament could, upon whatever provocation, repeal the charter of King William and Queen Mary, it could by its mere vote, upon any grounds and upon any evidence satisfactory to the Crown and the two Houses, repeal the grants which had founded the proprietary government of Pennsylvania and Maryland, the republican institutions of Connecticut and Rhode Island, and that close imitation of the English constitution of which Virginia was so justly proud and jealous.

That such a power was undoubtedly vested in the Imperial

legislature no constitutional lawyer will nowadays deny. It has been exercised, as in the case of Jamaica, to withdraw or restrain liberties less grossly misused than those of Massachusetts. It has been employed to unite or confederate distinct colonies, to break up a single dependency into several parts, to create for nearly every colony settled by men of English birth and speech a constitutional self-government modelled on that of the mother country; and the authority which could bestow such privileges was legally competent to limit or annul them. That such power could only be exercised under the most offensive provocation and the most urgent necessity was tacitly admitted by Lord North and his colleagues; but statesmen familiar, as unhappily few then were, with colonial history and feeling would have foreseen the effect of the autocratic, however moderate chastisement inflicted on Massachusetts.

It must be remembered, moreover, that the agents of the Crown had repeatedly represented the impossibility of keeping Pennsylvania and New York as well as New England in subordination to the mother country, of maintaining authority and order under the existing constitutions; and the iteration of those representations was better known, and excited more attention, than their unfavourable reception by successive Secretaries of State. The alarm of a 'conspiracy against colonial liberties,' of a choice between resistance and 'enslavement,' was wholly unjust to Lord North and to George III.; but the Grenville and Bedford Whigs had shown a temper which justly irritated and disturbed the Americans. They were not content to enjoy their liberties on sufferance, to hold their immemorial right of self-government, and constitutions often coeval with their existence, on a base or uncertain tenure. With the precedent of 1765 before him, a statesman familiar with the views and temper of the Colonies, with the passionate attachment of each several province to its own chartered privileges, might have foreseen that the invasion of those privileges in the case of a single Colony was sure to disturb the rest; that the sense of a common danger would lead them to make common cause and concert a united resistance.

American feeling could not appreciate the effect of Massachusetts lynch-law and 'frolics' like the 'Boston Tea Party,' upon a country which had been so long used to the unquestioned supremacy of law, to a police that seemed self-acting. England failed to understand that these were the natural expression of the sense of oppression among a people only just released from constant wars and rumours of wars that made violence and self-redress familiar ideas. For eighty years one-third of the population of the middle and northern colonies had lived within reach of French and Indian forays. The gun over the chimney was the symbol of colonial conditions and ideas, as the constable's staff of English law and order.

Liberal contributions in money and food were sent from nearly every province to the relief of Boston. The closure of the port threatened the livelihood of the people, the business of its merchants, the occupations of the middle classes, the employment and the subsistence of artisans and labourers; and afforded a convenient opportunity for a formidable demonstration of sympathy.

CHAPTER IX.

MASSACHUSETTS BEGINS THE WAR.

The Faction bent on Bloodshed—Gage's defensive Measures—Retreat from Concord—Meeting of Congress.

TILL blood was shed in armed conflict, till civil war was thus actually begun, the rebels of New England stood in danger of isolation. The rest of the Colonies had no material injury to complain of, and were scarcely more disposed than the Home Ministry to precipitate an appeal to arms. At the close of 1774 Boston was in the hands of the royal troops. Property, life, and liberty were there perfectly safe. No patriot's neck was for a moment in peril, no sedition-monger was punished, no spy was arrested or imprisoned. The rest of the province was held by the Convention under the direction of a sort of recognised 'Vigilance Committee.' To question their decrees, to censure their action, to dispute their demands, was to incur such risk as peaceable citizens are seldom disposed to face for any cause whatever.¹ To sustain their power, to provide for the collision which some among them sought and all foresaw, the actual rulers of the Colony had arranged to put into the field, well provided with arms, ammunition, and artillery, a force of twenty thousand men, whose marksmanship and traditional familiarity with the arts of Indian warfare might compensate for imperfect discipline. Their spies lived unmolested in Boston, and reported with impunity every actual or expected movement of His Majesty's troops.

¹ For treatment of royalists, at the earliest stage, tarring and feathering their spokesmen, etc., and the atrocious threat of Washington's second in command to burn a hundred of them alive if the British ships fired on New York, see Bartlett, pp. 384, 385.

Intensely reluctant to commence a civil war, but occupying an open and hostile town, in face of superior numbers, Gage found himself compelled to provide effectually against the risk of surprise. It was indispensable, therefore, to fortify the narrow isthmus connecting the peninsula of Boston with the mainland. The disaffected party reproached him for the imperative precaution. They assumed, as insurgents always do, that it was their right to choose their time for attack, and meanwhile to enjoy the privileges of peace without its obligations. They strove to force on war by acts of open hostility, while the troops were withheld from active defence or retaliation. The works were interrupted, the boats which carried workmen, tools, and materials attacked and sunk. The fact that not one of the assailants was shot as an enemy, arrested as a criminal, or punished as a spy, bears witness to the extraordinary forbearance of the Commander-in-chief.

The Massachusetts Convention had already taken a step from which their associates in the other Colonies would have shrunk with horror. John Adams and his adherents were the first to call upon savages of whose ungovernable ferocity they had had fearful and intimate experience; to invoke and actually enlist the scalping knife and tomahawk in a war between Englishmen and fellow Christians. A gang of Indians were already enrolled among the minute-men; the Convention had formally appealed in writing to a leading Puritan missionary to bring the tribes of the interior to their aid. The fact was carefully concealed; the authentic evidence was published some fifty years later,² and has been suppressed by many American writers. But the determination of the insurgent to force a collision was no longer doubtful in the spring of 1775. Gage knew that the stores of arms and ammunition 'belonging to the Colony' were intended for the slaughter of his troops. That it was his duty as Governor, his right as General, to seize or destroy them does not, except among American fanatics, admit of dispute or question. On

² 'Washington's Writings,' (Sparks) iii. 495. Stanhope, chap. 52, first paragraph.

April 18 an expedition was despatched to capture the principal arsenal of the insurgents at Concord. Dr. Warren, a favourite Revolutionary hero, was residing in Boston under the protection of the British. Residents in a district occupied by the enemy's forces, if found in arms or detected in acts of hostility, are properly shot or hanged, as assassins and not soldiers. Such severity is a necessary condition of the immunity now extended to non-combatants. Warren preferred his party sympathies to the obligations of law and honour. So little severity or vigilance was exercised over men whose opinions were notorious, that his messengers had no difficulty in reaching the insurgent leaders. As the troops approached Concord, they found a company of armed colonists drawn up across their front.

The British commander, indulgently regarding the men before him as rioters, summoned them to disperse. They refused and shots were exchanged; who fired first matters nothing. As rioters, the colonists were liable to be shot down without further notice. As soldiers 'refusing to surrender an indefensible post,' preparing to fire on an enemy they could not hope to resist or retard for a moment, they forfeited all claim to quarter. But the British were content to scatter them by a single volley, with the least possible bloodshed. Entering Concord, Colonel Smith, the officer in command, found that the stores had been removed. A little flour and ammunition was destroyed.

There was then no need and no motive for bloodshed, save in the determination of the rebel leaders that a sharp and sanguinary conflict should inflame the passions of the populace, force the hand of General Gage, and plunge New England into open war with Great Britain. The insurgent forces had been warned, and were assembling in overwhelming numbers. Colonel Smith had done his work, and should have withdrawn at once from an untenable position. But the symptoms which should have hastened his movements provoked him to delay. He could not make up his mind to retire before a loose mob of armed insurgents, till retreat had

become almost more difficult and dangerous than the maintenance of an open town. Enveloped by clouds of unseen enemies, shot down from ambush by foes whom they could not reach, the British effected a successful if disorderly retreat where any but the best troops would have run for their lives or thrown down their arms. Guerrillas, like those of Marion and Sumter, would have headed the troops, barred the road, closed on their flanks and rear, and forced them to surrender. But undrilled and irregular bands of volunteers naturally shrank from a hand-to-hand conflict with British regulars. Meantime General Gage had learned, by the assemblage of the enemy, that his plans had been disclosed by some traitor within the lines, and sent forward a strong reinforcement under Lord Percy, which met the exhausted and disordered fugitives at Lexington. Lord Percy formed a hollow square, into which Colonel Smith's detachment flung themselves at full length, 'their tongues hanging out like dogs after a chase.' The insurgents had lost their chance. Men who had allowed a beaten and exhausted force to escape them were not likely to close with fresh and steady troops; and, though constantly harassed by a fire they could not return to purpose, the British reached Boston at sunset with a loss of two hundred and seventy-three killed and wounded.

Within a very few days General Gage found himself strictly blockaded by a force calculated by contemporary American authors at twenty thousand men from all the States of New England. Meanwhile some three hundred insurgents under Colonel Ethan Allen³ and Benedict Arnold—afterwards the best and the best abused of Washington's lieutenants—marched upon Ticonderoga. Had the little garrison been warned of the outbreak of civil war, forty British soldiers could have held the place against larger numbers and more experienced leaders. But they were surprised with open gates, their commander asleep in his bed; and the vaunts of New England over this glorious victory were in keeping with the dignified

³ For the character of this braggart, see Bartlett, i. 349.

summons of Allen, when he called upon the half-wakened, half-naked commandant to surrender 'in the name of the Great Jehovah and the Continental Congress!' Crown Point, and its powerful garrison of twelve men, was captured with equal facility.

It was on the very day of this brilliant achievement that the new Congress met at Philadelphia, and on the speedy retirement of the first President, Peyton Randolph, elected in his place the chief of the Separatists, John Hancock. They rejected, on behalf of the United Colonies, Lord North's conciliatory offer, and passed a variety of resolutions which may be succinctly described as a defiance to king and Parliament. Their financial measures were more significant. To tax their constituents was beyond both their power and their courage; to invite contributions from the several Colonies would have been equally unpopular and fruitless. Their first and sole fiscal resource was the issue of an irredeemable and utterly worthless paper currency—a measure whose ready adoption and reckless extension was an omen of worse to follow. Their assignats fell as rapidly as those of France, which had at first, to do her justice, a comparatively solid basis. By threatening the persons and property of those who refused to accept this rubbish at its nominal value, Congress approached yet more closely to that open spoliation which constituted the finance of the French Revolution. It further voted 'that these Colonies be immediately put in a state of defence;' but with almost incredible perversity and stupidity, directed the enlistment of troops for a few months only.

Whether this resolve should be ascribed to ignorance of the very alphabet of war, to the arrogant notion that a war with Great Britain could be triumphantly terminated in half a year, or to democratic jealousy of the military power, is uncertain. The records of Congress are meagre and imperfect.⁴ It was their politic object to record as little as possible, since for their credit with their constituents and posterity, the less known of their conduct the better. The best men were at first

⁴ For American authorities on this point see Stanhope [ed. 1858] vi. p. 277.

inclined to hold back, and later, preferred military duty or the service of their several colonies; and the class from which the representatives of a people in serious and dangerous earnest would naturally be chosen, except in Virginia, were the least disposed to throw in their lot with a majority evidently hastening to revolution and civil war.

CHAPTER X.

THE WAR WITH MASSACHUSETTS—(*continued*).

America dragged into the Quarrel of Massachusetts—Insurgent Commanders—Bunker's Hill—Probable Numbers—Character of Position—Determination of the British—Rout of the Americans.

IT WAS now the paramount object of Massachusetts to enlist the Middle and Southern Colonies heartily and practically in her quarrel ; and to this end the first step was to push Virginia to the front. The most populous, powerful, orderly and prosperous of all, the Old Dominion was as generally looked up to and trusted as the Bay Colony was disliked and feared. Her extreme democracy, her headstrong violence, her selfish interests, had rendered the latter an object of general suspicion ; her leaders knew themselves distrusted, while the aristocracy of Virginia were held in deserved respect. Claiming the first place, Massachusetts was likely to be supported by New England alone ; where Virginia led, her Southern sisters would follow. Virginia, rather than Massachusetts, was the recognised champion of Colonial right and chartered privileges ; her zeal was almost as warm and far more disinterested.

Moreover, the foremost citizen of Virginia was the only soldier of more than local repute, the one competent General, the one tried and honoured leader of men, whom America could boast. It was the obvious policy of Massachusetts, by referring the creation of an army and the choice of a commander-in-chief to Congress, to render the war and the army American ; by nominating Colonel Washington for the supreme command to dispel the mistrust which her own precipitation had aroused, and to engage Virginia, and with her all the

Colonies south of the Delaware, actively and deeply in the quarrel. Her leaders saw and accepted the necessity, but never forgave it; never ceased to annoy, thwart, and intrigue against the chief of their reluctant choice. The second place devolved on a deserter. Charles Lee, an Englishman by birth, threw up a colonel's commission in the royal service to accept the rank of major-general in the Continental army. Of the native American officers one or two were soldiers, but very few, according to Washington, were gentlemen.¹ Warren, the highest in rank of the provincial officers of Massachusetts, was a physician by craft; Greene, next to Washington and Arnold (as yet unknown) perhaps the ablest of the American commanders, was a blacksmith.² A pretender whom the Americans choose to call Lord Stirling—Horatio Gates, the godson of Horace Walpole and a former officer of the British army—Schuyler, a noble representative of the Dutch aristocracy of New York, were true soldiers and educated gentlemen. Montgomery was an Irishman by birth and a New Englander by adoption. Putnam, a veteran of repute, was a tavern-keeper. Stark, Wayne, St. Clair,—not to mention guerrilla chiefs like Sumter and Marion, or junior officers like Hamilton, Harry Lee, and Wade-Hampton—the last three gentlemen of the highest station and repute, had generally yet to win their spurs.

South of New York the Crown had not a single soldier, and but some half-dozen minor ships of war. The loyalists were unprepared, disorganised, and overawed. They were embarrassed, moreover, by those legal scruples and restraints which always place the upholders of law and order in the first phase of rebellion at a fatal disadvantage. Subsequent events proved that, except in New England and Virginia, the numerical strength if not the zeal and enthusiasm of parties was pretty evenly balanced. In Pennsylvania and New Jersey, in Maryland and the Carolinas, the thoroughgoing party of insur-

¹ Writings, iv. 296 etc., 'the lowest class of the people,' and elsewhere.

² Wherever possible, I have endeavoured, in giving facts damaging to the Revolutionary cause or leaders, to follow closely the most extreme of American partisans.

rection were at first a decided minority. But they alone were in arms, they alone were prepared to act; and before the Governors could call out the loyal citizens, the rebels were masters of the situation. Lord Dunmore, as Governor of Virginia, threatened to arm the slaves: a threat which could only be justified by its prompt and successful execution, which exasperated the champions of liberty and alienated the defenders of law, while it brought no effective or timely support to the royal cause. Most of the Colonial governments were practically annulled. In Pennsylvania, however, the proprietors, backed for once by the Quakers, were on such cordial terms with the moderate majority that the representative of the Founder was entrusted with the final petition of Congress to the King.

Eden, proprietary Governor of Maryland, was permitted to retain a formal and precarious authority till the province actually threw in its lot with the Northern insurgents. In New York the Assembly, now many years in session, was out of sympathy with a large part of its constituents, but, backed as yet by a powerful loyalist party, was able to maintain awhile the forms of legal government. The disaffected avouched their resolve to slaughter every soldier who should land; but soldiers are apt to take such threats too seriously, and the insurgents finally agreed to keep the peace so long as the troops should neither attempt to entrench themselves nor to occupy the city.

The common wish and interest of England and America pointed to peace and demanded forbearance. But the far-sighted Extremists, to whom peace meant disappointment, ruin, and possible punishment, wielding at will the one insurgent army, raised from New England alone, held the key of the situation. At their instigation the temporary commander of the force in front of Boston resolved on offensive operations which should threaten the town and drive General Gage to active measures. Twelve hundred men, under Colonel Prescott, were sent by night to seize and entrench Breed's (not Bunker's) Hill, which commanded the British lines.

Meanwhile the arrival of reinforcements under Generals Burgoyne, Howe, and Clinton had raised the forces at General Gage's command to a total of some 7,500 men.

A free pardon had been offered to all who would lay down their arms, John Hancock and Samuel Adams alone excepted. Breed's Hill was seized and entrenched on the 16th June, the day after Washington's formal appointment. At dawn on the 17th an inoperative cannonade was opened from a British sloop of war and a land battery. The death of a single provincial soldier brought home to his comrades the meaning of war; and a few stole away when they found British cannon turned upon them with the will, if not the power, to maim and kill. On the other hand, the prolongation of an ineffective bombardment served greatly to encourage the inexperienced insurgents, who, possessed at first with an exaggerated horror of artillery, were now induced to regard it with an equally unreasoning contempt. They went on strengthening their entrenchments, and the British commanders recognised the necessity of an immediate and vigorous assault. General Howe, with some two thousand men, landed from boats, about noon, at the foot of Breed's Hill. The Americans awaited them with firmness. Reinforcements were poured over—as General Burgoyne, who watched the fortunes of the day with close observation and eager interest, affirmed, 'by thousands,'—from the American camp. American writers, all drawing practically from the same source, the report of the inexperienced officers in the camp, afterwards accepted by Washington—whose military arithmetic was avowedly controlled by political prudence³—rate the actual number entrenched on Breed's Hill at fifteen hundred.⁴ Gage estimated

³ See letters of January 5 and May 21, 1777, omitted from *standard editions*.

⁴ About 150 were killed and 300 wounded. A loss of *five per cent.* would, under the circumstances, have been as much as could be expected. The Americans were never exposed till the position was carried; they then ran away unpursued, the only serious harm was inflicted by the artillery which swept the 'neck' or isthmus. 450 killed and wounded is, under the conditions, an impossible loss out of 1,500; it would bear a more reasonable proportion to 4,000. If the occupants of Breed's Hill were *not* strongly reinforced, we must

it as outnumbering the assailants by three to one. 'Two to one would probably be a more trustworthy calculation.⁵ At the same time a large body of Colonial marksmen had occupied the village of Charlestown, and maintained a heavy fire upon the flank of the British till dislodged by shot and shell, which set the place on fire. The Americans with strange simplicity denounced the inhumanity of this measure. It was, in their opinion, the duty of a commander—at least of a British commander—to allow the soldiers to be shot down by a sheltered enemy rather than destroy the houses they occupied!

As a flank attack would place the British between two fires, General Howe was compelled to assault the entrenchments in front. His field artillery was paralysed for some time by a blunder too characteristic of British military management throughout the contest; the balls first sent were too large for the guns! Forced to rely solely on the bayonets of his infantry, he led them straight up a smooth slope, in face of the enemy's sheltered marksmen. Prescott ordered his men to reserve their fire till the assailants were within some eighty yards. The front rank was swept away, and the British recoiled. Their officers rallied them, and led them a second time to the attack. A second time they were repulsed with such a slaughter as veterans have seldom endured. The third assault, delivered by weary and shattered troops who had already lost a third of their number, was a signal effort of courage and endurance; an exploit more brilliant than would have been the *defence* of such a position, under such conditions, for weeks instead of hours. Hitherto the well-trained marksmen of New England, securely sheltered except for the moment when they showed their heads and arms to deliver their fire, had shot down the advancing enemy as deliberately as so many buffaloes, with characteristic coolness and tenacity. As soon as the British bayonets glittered above

suppose that some 16,000 Americans stood idle for hours to see their comrades attacked and overpowered. Many of them quailed from the fire that swept the neck. I cannot allow that this weakness was general, much less universal.

⁵ Stanhope and Marshall's *Life of Washington*.

the parapet, the fresh and untouched defenders broke and fled from a smaller number of assailants too utterly exhausted to pursue them. Of twenty-three hundred British soldiers more than one thousand lay dead or wounded on the slope ; before the twelve hundred survivors, the moment they appeared on equal ground, the Americans gave way. It is said that their cartridges were falling short and they had few bayonets ; from whatever cause, they showed no desire to try conclusions hand-to-hand with the panting, weary, worn-out soldiers of Britain. Such was the ' Bunker's Hill ' of which New England so vaunts in stone and prose and verse that the name suggests an American Waterloo or Thermopylæ, an English Flodden or Bull Run.

CHAPTER XI.

AMERICAN LOYALTY.

Congressional Petition—Simultaneous Aggression—Temper of Franklin—Washington's Estimate of his Troops—The Petition unanswered—Conduct of Chatham.

CONGRESS, the while, with divided counsels and uncertain purposes, was drawing up a petition to the King which, if prosecuted in good faith and unaccompanied by acts that belied its professed intent, might have led to mutual explanations and conciliatory measures. But the party of war at any price, if too weak to enforce their will upon their colleagues, were too strong to allow of any consistent and honest pursuit of peace. The temper in which they signed the petition is betrayed by the tone of a letter gratuitously written at the same time by the coolest, best-advised, and most experienced of their leaders to a personal friend in England:—‘Mr. Strahan,—You are a Member of Parliament, one of that majority which has doomed my country to destruction. You have begun to burn our towns and murder our people. Look upon your hands: they are stained with the blood of your relations. You and I were long friends. You are now my enemy, and I am yours, Benjamin Franklin.’

Such language from a veteran diplomatist, whose passions, curbed in youth and manhood by prudence and self-interest, should now have been sobered by advancing years, brings out in forcible relief the contrast between the spirit of the Separatist leaders and of the Ministers of the Crown. It is fair to add that the tone of the Bedford and Grenville factions was not one whit better. Franklin and his associates had

laboured, with that success which generally attends, in times of political excitement, the most violent counsels, the fiercest invectives, and the most extravagant charges, to persuade the populace of New England that the Crown and Parliament were bent on 'reducing them to slavery;' that England was alike tyrannical, cruel, and cowardly, daring enough to risk an empire in mere spite, too weak to attempt to retain it by force; that nothing could be hoped from her justice, everything easily extorted from her fears. They and their party were masters of the situation.

Yet such had been their management of affairs up to this point, that a Wolfe or an Elliott in Gage's place might probably at this juncture have crushed the half-hatched cockatrice of rebellion in the shell. Washington, assuming command before Boston on July 3, 1775, bore emphatic testimony to the quality and condition of the troops he was called on to command. Instead of twenty thousand there were but fourteen thousand fit for duty; an indisciplined, ill-organised, irresolute multitude, without powder for the artillery, with scarcely nine rounds per man for the infantry. He calls the conduct of the Connecticut troops 'scandalous.' 'A dirty and mercenary spirit pervaded the whole.' Of Massachusetts he said, 'Notwithstanding all the public virtue ascribed to these people, there is no nation under the sun which pays greater adoration to money than they do.' And again, 'Such a dearth of public spirit and want of virtue, such stock-jobbing and fertility in all the low arts I never saw before, and pray God I may never be witness to again.' And further, 'Could I have foreseen what I have and am likely to experience, no consideration on earth should have induced me to accept this command!'

From the outset, till their dishonesty and incapacity had provoked a contempt as general as the respect extorted by his conduct and demeanour, the Commander-in-Chief was fettered,

¹ The received editions of Washington's writings, orders, and correspondence are emphatically *expurgated*. I take these quotations from Lord Stanhope, whose accuracy is above question.

harassed, thwarted, and often brought to the verge of ruin by the combined neglect and intermeddling of the Congressional intriguers and demagogues who thought less of keeping the enemy at bay than of keeping their General in due obedience, whose chief care was to insist on the subordination of the military to the civil power—of those who fought to those who talked; their next, to advance some personal or local favourite at the expense of their chief and cause. Men suddenly raised from the humblest avocations to the highest authority could not be expected to endure, with the temper of English statesmen assured of their social and political standing, the plain-outspoken statements, the impatient irony of a Wellington or a Gordon. In his public despatches, and even in his private letters, Washington wrote under constraint and with great reserve. But enough stands on record to exhibit his profound contempt for the soldiery and especially the officers of New England and Pennsylvania. Had not the capacity of the chiefs on either side borne inverse proportion to the quality of their troops, America might well have been conquered while France was yet 'letting I dare not wait upon I would,' and Spain and Holland watching the example of the Most Christian King.

The extreme faction in Congress had yielded the more easily that the fate of the petition was a foregone conclusion. Had it been signed by the members in their individual character, had it emanated from the legal Assembly of Virginia or New York, it would have been received with studied respect and considered with an anxious desire to find, if not in its impracticable terms yet through the indications of Colonial feeling it afforded, a *modus vivendi* satisfactory to America and consistent with the honour of England. But to receive officially the petition of Congress was to recognise its authority and to yield more than had yet been claimed. The question was not one of form only but of principle and policy. It was not merely that Congress was an illegal Assembly; its recognition would have been a palpable and glaring wrong to that loyal party which had stood aloof from its election and

which could not be thus abandoned and insulted. Nor did the constitutional objection stand alone. Congress had no more power to act for the insurgents than authority to speak for the colonists at large. It was practically powerless to bind its constituents, and a treaty accepted by the majority would in all probability be rejected by those provinces which alone were as yet in arms. After all that England could yield had been conceded to Congress, each of the Northern Assemblies would have had its own special conditions to exact; and negotiations with a body which could conclude nothing would have been hopeful, only if its members and their constituents were honestly and earnestly desirous of peace on reasonable terms. The conduct of Massachusetts, and the action of Congress itself, gave no ground to suppose that such an accommodating and moderate temper was to be found among the rebels; and the unsuccessful negotiation would have been worse than a disastrous campaign. Ministers therefore refused formally to receive the petition or give it a public answer; and this refusal was persistently represented by the Extremists as having compelled them to resist *à outrance*. The plea involved a threefold fallacy. Massachusetts and New England had plunged headlong into war before the petition was submitted: Congress resolved on aggressive hostilities while it was on its way; and the rejection of such a petition on formal grounds evidently left the door open to fresh negotiations, which should not involve the preliminary surrender of a vital principle on the part of the Crown.

The petition was accompanied or followed by passionate appeals to the Colonies, to the British people, and to the French population of the Canadas. With an inconsistency no less amusing than audacious, the Quebec Act was now represented, no longer as an infraction of the exclusive rights of three or four hundred Protestants, but as an invasion of the inalienable claim of forty times as many conquered Frenchmen to representative self-government, trial by jury, and other British institutions: which the Canadians regarded with profound dislike and suspicion. The address to the English

people was little more successful. Chatham himself could hardly have contended against the indignation excited by the recollection of his own language and the significant commentary supplied by his American clients; and in his present temper, it was hardly a misfortune for his cause that Chatham was secluded from political life in 1775-6.

Charity and common sense will seek, in the exaggeration of previous passions and prejudices natural to a disordered mind, an excuse for the least pardonable act of a career equally brilliant and erratic. Lord Pitt, Chatham's heir, serving as aide-de-camp to General Carleton, Governor of the Canadas, was ordered to demonstrate his father's abhorrence of the national cause, his father's passionate sympathy with rebellion, by resigning his commission. His chief had the generosity to spare the young man's fame, and prevent his filial obedience from appearing in its true aspect as desertion in front of the enemy, by sending him home with despatches. Chatham, in sound mind, would have remembered that if the form of resignation exempts a commissioned officer from the punishment of a deserting private, it incurs a penalty yet more deterrent to the class from which British officers are taken—irretrievable personal dishonour and professional disgrace. English instinct assumed the excuse of which England at large was uninformed, and condoned the fault of one too great to be judged like other men. On the French declaration of war, Chatham, restored to his senses, seized the occasion to redeem his honour; and the King had the kingly generosity to forgive both the military offence and the studied political insult. The young man was promptly reinstated in military rank and professional character by a Sovereign who disdained to forget, in the many and bitter affronts sustained from the intemperate veteran, the greatness of the statesman's earlier services. Those who have systematically represented George III. as a vindictive and thankless tyrant would have done well to explain, instead of ignoring, his indulgence to a fault which perhaps no contemporary and not many later Princes would ever have forgiven.

CHAPTER XII.

THE INSURGENT ARMY AND GOVERNMENT.

Quality of the Army—Treatment of the Royalists—Congress grasps universal Control—An Executive Mob—The Middle and Southern Colonies.

HAD England chosen to accept the challenge of Massachusetts and proceed at once to extremities, a more tempting opportunity could not have been offered than that which the state of the insurgent army presented. Had Gage received a reinforcement of 5,000 men, and the cooperation of a fleet such as Great Britain could well have spared, the fate of the rebels would have been in his hands. The insurgents were volunteers enlisted for a few months at most, often apparently not enlisted at all, but serving on their own impulse, and entitled, in their own opinion, to return home at pleasure. The men were not merely unused to and intolerant of discipline, but trained from boyhood to the assertion of self-will and social equality, to resent control and repudiate every form of subordination. The officers, elected by their companies or battalions, taken from the same grade, the same class of employments as the privates, had no social station, no personal authority, no military qualifications to support their professional rank.

The Generals mostly enjoyed some kind of personal ascendancy, but the regimental officers wanted alike the courage, the power, and the intelligence to maintain the forms¹ or enforce the substance of martial discipline. New York, and yet more Virginia, Maryland, and South Carolina had preserved something of the structure and the temper of English society. The Southern Colonies possessed a class of gentlemen

¹ A barber-Captain was seen shaving his men on the parade-ground !

well qualified by open-air life, by their frequent journeys on horseback, their love of field sports, their keen sense of honour and personal dignity, and, above all, by the daily habit of command which belonged to their position as planters personally directing the labour of a dozen, a score, or a hundred slaves, to organise, lead, and discipline the splendid raw material of soldiership found among the farmers, graziers, and backwoodsmen. But the army was as yet drawn exclusively from New England. The powers of the Commander-in-Chief were narrowly limited. He could neither remove an incompetent nor promote a deserving officer. Regimental commissions were granted by the several Colonies, those of Generals by Congress, and the authority which conferred alone could cancel them.

Experience and necessity very slowly improved both officers and men; taught to the former the duties of their rank, to the latter the imperative necessity of obedience. The authority of the Commander-in-Chief was sustained by force of personal character rather than by official powers slowly and grudgingly extended. But to the last too many of the Continental officers remained (like so many brave and capable soldiers of Republican and Imperial France), in birth, manners, and education peasants or tradesmen, unversed in the laws and customs of civilised war. The language of the Commander-in-Chief himself, when speaking of the royalists—men as a rule superior in education, character, and social standing to their opponents—did little honour to a character which generally enforces respect for its stern self-control. In law, the position of the royalists was incomparably the stronger. Morally, both parties were on a perfectly equal footing. Both, as Washington knew and was bound in honour to recognise, were doing what they believed to be their duty: had adopted the cause of liberty or legitimacy with equal sincerity and devotion. If it suited Congress and its Commander-in-Chief to assume that the war was waged between the Colonies as quasi-independent States and the King of England, the British were at least equally entitled to act on the contrary assumption, and to

regard their enemies as individual rebels without a flag or a government. By granting and accepting the usages of regular war, both sides tacitly agreed to leave that issue in suspense till it should be decided by the sword; and the American royalists were equally entitled with the regular troops of England to the benefit of that understanding.

Again, at Boston, and afterwards at New York and Philadelphia, the British held a large non-combatant population attached to the American cause in their power. The *status* of these people was in every respect identical with that of non-combatant royalists within the American lines: and it was the right—was it not the duty?—of the royal commanders to have protected the latter by severe and accurate reprisals, by confiscation for confiscation, by execution for execution; if not by flogging a Bostonian or Philadelphian patriot whenever a royalist was tarred and feathered. The merciless rancour of the insurgents towards their loyal countrymen was from first to last the disgrace of the American cause and people.² It reflects deep discredit on Congress, which never attempted to restrain it. Nor is it possible to acquit Washington of a moral complicity which leaves a blot on the high and stainless character ascribed to him by the partiality of his countrymen and the generosity of his enemies.³ His integrity, disinterestedness, self-devotion, his patience under injury and insult, neglect and thanklessness, deserve no common praise; but to conceal or slur over the instances in which his personal or patriotic passions led him to commit or acquiesce in gross violations, alike of the dictates of humanity and the rules of war, is to falsify history and wrong his victims.

The majority in Congress, and in the Colonies south of New England, were still reluctant formally to renounce the chance of compromise; to stake their cause, their fortunes, and their country on the always dubious issue of war. Months passed

² Stanhope, chap. 54, p. 116 [ed. 1858]. For Washington's tone, see letter quoted *ib.* p. 85.

³ He refused even to accept a salary as commander-in-chief, though keeping a strict account of his expenses, which were to be repaid.

before they decided to establish complete provisional governments—to supersede the nominal authority of the royal or proprietary Governors, the real control of irregular and irresponsible committees or local conventions. In desperate need of military and other supplies, it was yet longer ere they resolved to throw open the ports to foreign shipping. Congress authorised Washington to maintain an army of 22,000 men in Massachusetts, and recommended the Governments of New England and New York to furnish him with that number, but took no means to levy troops on their own account, and refused permission to enlist men, even under the authority of the several Colonies, for service during the war.

Franklin and Jefferson in vain proposed a scheme of confederation, but one nowise tending to correct the radical weaknesses of the American Government. The first of these was the refusal of all coercive power to Congress. It could obtain men and money only by requisitions addressed to the several Colonies, which complied with, refused, or ignored the demand at their pleasure. The second and most vital was the personal and inter-colonial jealousy, the distrust of individual authority, which induced Congress to grasp in its collective capacity the supreme control of civil and military affairs. It is said that every numerous Assembly has a strong tendency to become a mob. Congress was a mob attempting to arrogate to itself the immediate direction of a great war. The enlistment of troops, the term and conditions of their service, the appointment of superior officers, the direction of military and foreign policy, the despatch of expeditions, the choice of their commanders, the management of the commissariat, were the collective business of a small Parliament; not five of whose members possessed the military knowledge of War Office clerks.

The business thus unwisely grasped was soon as signally neglected. Congress thought it sufficient to vote levies of men, supplies of arms and ammunition, provisions and clothing; and supposed, in the absence of any organised executive, that its votes would execute themselves; nay, having passed

the vote, assumed forthwith that the men, the muskets, the powder, the flour, and the shoes were actually on the spot. They took for granted that Washington had the number of men they had promised him, and that those men were soldiers; and based their expectations, admonitions, and orders on that assumption. It required no common incapacity and mismanagement in the civil and military counsels of Great Britain⁴ to counteract the mistakes and perversity of the Philadelphian politicians. If, instead of dispersing their forces in ill-judged and indecisive expeditions, the English Ministry had concentrated their strength under men like Carleton and Cornwallis upon vital objects, these must one after another have been achieved. It needed not in 1776 a Chatham at the head of affairs, a Wolfe or a Clive in command of the army, to have brought the American war to a very different end.

Experience, and sheer weariness of business they did not understand and could not transact in common, induced Congress, slowly and unconsciously, to relax their monopoly of power. The helplessness and negligence of the majority paralysed an authority they would not resign, but could use only for mischief. Powers devolved upon committees lapsed into the hands of their chairmen, to the great advantage of public business.⁵ It might have been difficult, for example, to find a worse Minister of War than John Adams, who had not even the merit of confidence in or loyalty towards the commander in the field. But one John Adams was better than fifty; the worst of responsible War Ministers a lesser hindrance, if not a greater help to Washington than a committee of half a score intriguing incapables.

While the politicians were talking, the men of Virginia, Maryland, and of the Pennsylvanian border counties were acting spontaneously. One thousand four hundred riflemen, of far superior quality to the militia and minute-men of New

⁴ Military letters from New York, of high authority, declare that 'never were troops in such a disgraceful condition' as those furnished to Howe in 1776, and only because 'Great Britain was fast asleep.'

⁵ Spark's Life of Gouverneur Morris. Washington's Writings, iv. p. 184.

England had joined the camp before Boston. Some minor operations were conducted with spirit and success; hay, corn, and cattle were swept away from points commanded by the British squadron and army. The first naval expedition attempted by the Colonists brought in an invaluable supply of powder, somewhat illegitimately⁶ taken from Bermuda. Washington, with vastly superior numbers, paraded in order of battle; and the challenge, declined by Gage, who knew that a defeat meant temporary ruin, while victory could not be pressed home against an enemy entrenched in positions commanding his only exit, greatly encouraged the inexperienced 'Continentalists.'

The Quakers of Pennsylvania, backed by the loyalists of other sects, controlled the Assembly; and a convention, summoned by the disaffected for the express purpose of superseding it, ended by referring everything to the discretion of the regular Legislature. The province, therefore, remained as yet officially and collectively neutral. The government was still conducted in the King's name. An oath of allegiance administered to all Assemblymen caused the temporary exclusion of Franklin himself. The insurrectionary party in Maryland obtained the upper hand by enfranchising the Catholics, who, since 1688, had been placed under the ban of a province founded by and for them. The militia, including all men between fifteen and sixty, was organised, nominally for local defence alone. William Franklin, the loyal son⁷ of a father who had gradually turned revolutionist in old age, was Governor of New Jersey. He maintained a show of authority, but all real power passed to a so-called provincial Congress or Convention, which usurped the command of the militia, offered to raise four thousand minute-men, and did enrol two regiments for the Continental army, one of them commanded by the self-styled Lord Stirling.

⁶ Because the West Indian and naval authorities had no notice of a war which had not yet been declared, and was confined to New England.

⁷ He was long imprisoned, and his wife refused permission to see him. She died of a broken heart; ascribing her and his sufferings to the active malignity of his father.

In South Carolina and Georgia, merchant ships entering the harbours with natural confidence, as in a period of practical peace (no collision having yet occurred, except in New England), were boarded and more than twenty thousand pounds of powder confiscated. Rice was exported to purchase arms and ammunition in the West Indian possessions of France and Holland. On the other hand, a large number of royalists were prepared, on the first appearance of a British force, to join the King's standard; and the Indian agent endeavoured to enlist the Cherokees, Creeks, and Chickasaws in the royal service. The malcontents broke out in open insurrection. They put to death a free negro charged with no overt act, but with the 'intention' of piloting British ships, disarmed all law-abiding and peaceable citizens, loyalist or neutral, threatened to arrest the Governor, and compelled him at last to dissolve the Assembly and take refuge on board a man-of-war. Martin, Governor of North Carolina, sent his family to New York and threw himself into a fort practically ungarrisoned. The loyalists of his province were numerous and in good heart. Some two or three hundred disbanded Highlanders had formed a settlement in the interior, and the insurgents had no mind to meddle with this small body of resolute and devoted veterans.

Meantime, the leaders at Philadelphia felt it necessary formally to vindicate their appeal to arms, to unite a divided and excite to the necessary passion a doubtful people. Their manifesto was at once the official summary of a ten years' political struggle and an unofficial declaration of war. By its tone, its arguments, and its authorship the Separatist faction volunteered and the Colonial party consented to be judged. The choice of an advocate was left to Franklin, and his selection was eminently characteristic. This important function was entrusted to Tom Paine—a name now remembered only by its connection with a specially offensive school of infidelity. In his 'Common Sense,' however, the mocking unbeliever accommodated his tone to his clients, and the book is said to have made the desired impression.

CHAPTER XIII.

THROWING AWAY THE SCABARD.

How Congress belied its Petition—The Invasion of Canada—Repulse from Quebec—War commenced in the South—Operations in Virginia—Abandonment of Norfolk—Flight of the Americans from Canada.

WHILE their formal address to the 'justice and natural affection' of their Sovereign was still pending, and while therefore England remained strictly on the defensive, Congress had taken aggressive measures calculated to render their loyal and pacific professions worse than vain, and to anticipate that 'last appeal' which was only to follow the final rejection of their petition. By commencing an offensive war they belied their affected desire for peace. Without a formal issue of letters of marque, uncommissioned privateers (legally pirates) overhauled British vessels and seized military stores and provisions intended for the British army, along the coast of America. Yet Congress affected to refrain from capture 'on the high seas,' while they could scarcely be ignorant that the high seas commence at the distance of a marine league from the shore. They had passed a distinct resolution against the invasion of Canada as an act of wanton aggression. A few weeks later—on pretence that Carleton, with fewer than a thousand men to guard an interminable frontier and a conquered province, meditated an attack upon New England or New York—they rescinded that resolution, and proceeded to organise a force under Schuyler and Montgomery, to seize Quebec and Montreal. Schuyler, a fitting associate or antagonist for English officers and gentlemen, disgusted with the indiscipline and misconduct of the provincial soldiery, resigned

his command on the plea of ill-health. His colleague, an adopted son of New England, expressed with emphasis his opinion of her citizen soldiery. 'The New Englanders are the *worst stuff imaginable* for soldiers. They are homesick. Their regiments are melted away, and yet not a man dead of any distemper. The officers have no authority, and there are very few among them in whose spirit I have confidence. The privates are all Generals but not soldiers, and so jealous that it is impossible, though a man risk his person, to escape the imputation of treachery.'

With such troops Montgomery laid siege to the fort of St. John's, which blocked his route to Montreal. Taken unawares and scantily provisioned, the surrender of the place, unless speedily relieved, was obviously inevitable. General Carleton made two vain efforts to raise a Canadian force for its rescue. The first levies, whose loyalty was at best passive, and who felt no interest in the quarrel, disbanded; the second expedition, crossing the St. Lawrence in open boats, encountered a terrific fire from two American regiments lining the southern bank, and was repulsed in confusion. Thus hopeless of aid, on November 3, 1775, the garrison of St. John's, after a siege of fifty days, marched out with the honours of war. A few days later a force of eleven hundred men detached from the army of Washington, under Arnold's command, after a difficult and painful march, such as only an officer of first-rate merit could have induced the hardiest veterans to face, arrived in front of Quebec; and occupied without resistance the position which, once attained by Wolfe, had determined the fate of a mighty fortress and a superior army.

On December 8 Montgomery, after seizing Montreal, effected his junction with Arnold on the Heights of Abraham. A few days before, Carleton, venturing his life and liberty in a small boat, and passing safely through the land forces of the Americans and the flotilla they had captured at Montreal, had arrived at Quebec and restored the confidence of its disheartened garrison. That garrison is reckoned by American historians at some seventeen hundred men, of whom, however,

only three hundred were regulars and four hundred and eighty-five seamen and marines.

Nothing could induce the New England men to remain an hour beyond the term of their enlistment, which expired with the year. Quebec must be stormed within twenty-six days, or never. After more than one meditated assault had been defeated by intense cold or postponed by a clear sky, on December 30, while twenty-four hours of the New Englanders' term of service were still unexpired, a heavy snowstorm encouraged Montgomery to venture a night surprise. Diverting the attention of the garrison by a series of feigned attacks on every part of the defences, the General himself, with some three hundred men, fixed upon a narrow defile protected only by a blockhouse, occupied by seventeen Englishmen and thirty Canadians with a couple of three-pound popguns. Montgomery was shot dead. His men complained that their arms were wet; their officers dared not trust the bayonet, the only effective weapon in such an assault; and the assailants fled from the rudest of works, manned by one-sixth of their own number. Arnold, assailing the lower town with more than six hundred men, passed undetected under the guns of a battery and a wall loopholed for musketry, whose fire should have cut his force to pieces. He reached and forced the Palace Gate, but was there disabled by the first fire.

The assaulting column made good their entrance, and advanced till brought to a stand by the second barricade, its extremities resting respectively on an inaccessible rock and on the river bank. Confronted by a hedge of bayonets, and a heavy fire from the houses which flanked the position, the assailants had neither the spirit to advance nor the promptitude to effect a timely retreat. A British sally seized the gate by which they had entered and captured the company that held it. The Americans thus cooped up within the town, to the number of four hundred, laid down their arms—some sixty having been killed and wounded. Montgomery received a soldier's funeral from the victor; from Congress such memorial honours as might fitly have rewarded a long career

of brilliant service rather than one successful blockade and one bold but misdirected assault. Arnold had done better than his chief; the true honours of the day belonged to the British sergeant who, with some fifty men, repulsed Montgomery's attack. But no English soldier would have thought even 'a marble monument' due to the memory of John Coffin.

Had the leaders of Virginia, the Colony to whose example her sisters looked, been all as moderate as Washington and free to act, a settlement might have been arranged on a basis more than once suggested in America and approved at home—the *status quo* of 1763. But New England was bent on war; and in forcing on the invasion of Canada, her demagogues had gained their end and made the sword the only possible arbiter of a needless quarrel. England's abandonment of the hope of conciliation was marked by Lord Dartmouth's retirement from an unwelcome charge. The choice of his successor augured ill for the only other alternative, a vigorous prosecution of hostilities. Lord George Germaine was resolved to reconquer America by almost any means and at any cost. But he displayed no such administrative energy or capacity as could efface the stain left upon his reputation by his ignominious dismissal from the army some score of years before, on a charge of unsoldierly disobedience in presence of the enemy. He was ready to proceed to extremities; but in every case the first blow was struck by the insurgents. The Governors of the Colonies not yet actually embroiled were expelled. The eager temper of Virginia and the forwardness of her Governor precipitated the first armed collision outside of Massachusetts. A royal sloop had been driven on shore by a violent gale. The people of Hampton seized the stores, made the crew prisoners, and set the vessel on fire.

Lord Dunmore endeavoured to occupy the village, but was unable to bring up his heavier vessels, and his attempt to land was repulsed by a large insurrectionary force hastily summoned to the rescue. Norfolk, the chief seaport of Virginia, commanded by the British fleet, became the refuge of three

thousand loyalists now driven from the districts occupied by the insurgents. The richest and most influential class of its inhabitants were the Scotch merchants and factors who had conducted for years the finance and commerce of the Colony. As the planters were mostly under advances amounting to more than a year's gross produce of their estates, patriotism was reinforced by interest; all debts due to loyal creditors were repudiated, and thus the wealth employed in the trade of Virginia, entrusted to her laws, to the honour and honesty of her citizens, was confiscated *en masse*. The exceptional fidelity with which Jefferson, after the conclusion of peace, fulfilled his long-postponed obligations deserves particular mention.

Informed that a body of Carolinian rebels were about to seize an important pass known as the Great Bridge, Dunmore, with a detachment of regulars sent from St. Augustine and Virginian loyalists, marched to intercept them; but, missing them, encountered and scattered a body of Virginian militia, and constructed a fort to secure the Bridge. War having thus commenced, the Governor proclaimed martial law, called all loyal citizens to his aid, and promised freedom to all indented servants or slaves, belonging to rebels, who should join him. At the same time he commissioned officers to raise regiments of loyal whites, negroes, and Indians, but without a success which would in all likelihood have led to horrible and wholly profitless barbarities.

The insurgent forces mustered in great strength for an attack on the last stronghold of British authority, occupying with two regiments a position which commanded the Great Bridge and the newly-erected fort. Lord Dunmore's situation was hopeless. He had but a few hundred regulars and raw irregulars fit to bear arms. To await the attack of overwhelming numbers in an open town was to abandon hope and run imminent risk of destruction. To assail a strong entrenched position, accessible by one narrow causeway, in face of a far superior enemy, with a few companies of runaway slaves and untrained citizens backed by a hundred and twenty

soldiers, was not a forlorn hope but the last resort of martial despair. An open assault was impossible; a night surprise might have been effected by a well-led body of picked regulars, but, adventured by undisciplined recruits, was a hazardous and almost hopeless experiment. It failed of course. The enemy were on their guard; the loyalists quailed from the deadly fire that swept the narrow defile; the single company of regulars advanced to the attack, and were repulsed only when half their number had fallen. All was over; the fort was evacuated and Norfolk abandoned; the whole mass of refugees crowded, in utter destitution and unspeakable misery, on board the British squadron, which could scarcely hold and could not accommodate or feed them. They abandoned their all rather than surrender to neighbours and countrymen whose temper they knew too well. The insurgents seized the town and held it in force, either intending or expecting an attack.

A place thus occupied is simply a hostile position, to be treated at need like Hougomont and Bazeilles. But in the commencement of a civil struggle a prompt resort to the extreme severities of war is always impolitic, save when demanded by the exigencies of strategy or the stern necessity of reprisals. The malcontent inhabitants having retired on the British occupation, the loyal on the evacuation, there were few non-combatants to suffer: the destruction of the property abandoned to the insurgents was desirable; but nothing worth the sacrifice of British lives could possibly be effected. Every attempt to land under the cover of a fire from the ships was easily repulsed. The insurgents remained masters of the field, and the destructive bombardment of her wealthiest town rendered Virginia only less unanimous and enthusiastic in the American cause than Massachusetts herself. Henceforth her paramount influence was thrown into the scale of separation. But when an experienced soldier like Washington inveighed against 'a nation which seemed lost to every sense of virtue and those feelings which distinguish a civilised people from the most barbarous savages,' his patriotism must have

got the better alike of his temper and his memory. Well for Virginia had she found no more ruthless conquerors, suffered no more cruel ravages than those of Dunmore.

With the close of 1775 a great part of the Continental army was dissolved by the terms of its enlistment. The wholesale withdrawal of the New England militia, on this and other occasions, looks awkwardly enough beside their passionate professions of patriotism, their favourite cry of 'Liberty or death.' But the treatment they received was such as might have shaken the best discipline and cooled the warmest zeal. Pay, clothes, shoes, food, powder were deficient. Washington's military chest hardly contained ten thousand dollars, and further supplies, even in the depreciated paper of Congress and of the several Colonies which had followed an unfortunate example, came in but slowly. It was left to the Government of Massachusetts, with some support from Connecticut, Rhode Island, and New Hampshire, to fill the depleted ranks. Five thousand new militia were called into the field, to be slowly brought, towards the end of their term, to that imperfect and unsatisfactory standard of discipline which their predecessors had reached when disbanded. Short of arms and ammunition, with a chance artillery of various calibre and a half dissolved, half renewed army, Washington would have been in no little peril from a vigilant and enterprising enemy. Yet the debaters of Philadelphia bitterly complained of his inaction, and carried, on December 22, a resolution nominally authorising and practically ordering the Commander-in-Chief to take Boston 'in any manner which he might deem expedient, notwithstanding the town might be thereby destroyed.' The destruction of the assailants was evidently much more probable; and Washington replied, with suppressed indignation, that merely to maintain a post so close to the enemy, to disband one army and recruit another within musket shot of twenty British battalions, was probably more than had ever before been attempted. But for the dissuasion of his lieutenants, and their reports of the temper of the regimental officers, he professed himself, notwithstanding, ready to

attack, and hopeful of success 'if the men would have stood by him.'

Meantime the beaten army which still made a pretence of menacing Quebec had dissolved no less rapidly than that in front of Boston. In January 1776 Arnold mustered but four hundred Americans, supported by about as many half-hearted and untrustworthy Canadian sympathisers. Wooster, his superior, remained at Montreal, and wrote in every direction for help. To Congress he wrote plainly that the American force in Canada was in need of everything, men, guns, shot, shell, powder, and above all—cash. 'Continental paper would not pass among the shrewd Canadian peasantry. The army must pay its way, or, by levying contributions upon the country, convert an indifferent and distrustful population into active enemies. Congress agreed with the Generals that ten thousand men were needed to conquer and hold Canada, voted all that was required, and actually detached three thousand men from Washington's inadequate force under General Thomas, who was to supersede both Wooster and Arnold.

But already the arbitrary exactions of the invaders,¹ the affronts offered to the clergy, had stimulated to something like enthusiasm the languid loyalty of the Canadians. On May 1, 1776, of all the provisions extorted by force and menace from the peasantry the invaders retained but sufficient for six days. The ice was beginning to break up. An English frigate and two smaller vessels had reached Quebec—the precursors of a larger force—and four days after his arrival, General Thomas resolved on retreat. On the next day he was attacked and defeated by the reinforced garrison, about one thousand strong. The retreat became a rout; and the invaders, abandoning their provisions, their cannon, two hundred sick, and five hundred muskets, fled towards Montreal. An American garrison of four hundred men surrendered at discretion to a motley horde of Indians, backed by forty soldiers and a company of Canadians. A force sent by Arnold to their relief was surprised and cut to pieces; the captives

¹ Stanhope, vi. pp. 79 and 89.

were released on a promised exchange which Arnold shamelessly evaded. Carleton was reinforced by a strong expedition from home under Burgoyne. The Americans were paralysed by an outbreak of smallpox, whereof Thomas died.

The command devolved on Sullivan, who undertook presently to put a new face upon the situation, 'to hold the most important posts as long as one stone is left upon another !' The result of the first skirmish converted his confidence into utter despondency. A council of war recognised the imperative necessity of retreat, long foreseen and urged by Arnold. The latter held Montreal till the enemy were within a single march, then plundered the city, and followed with his rear-guard of three hundred men the disastrous retreat of the invading army. The fugitives, if vigorously pressed, might have been destroyed or captured ; and, though faintly pursued by Burgoyne, barely contrived to reach the border settlements in a state of utter prostration and indescribable misery. The Canadian campaign cost the Americans several thousand men, completely demoralised the army, revived the old hostility of the Canadians towards their Southern neighbours, and confirmed, so that no reverse of fortune could shake it, the allegiance of the French provinces to their recent conquerors.

CHAPTER XIV.

THE SITUATION, TEMPER AND MEASURES OF ENGLAND.

Weakness of the Army—Enlistment of German Mercenaries—Of Indians—
Insurgents masters of New York and North Carolina—Financial Terrorism.

THE news that the New England rebellion had assumed the character and dimensions of an American war—the capture of British ships, the surprise of Ticonderoga, the battle of Breed's Hill, the combats in Virginia, above all the invasion of Canada, exasperated the English nation as against thankless and revolted dependencies, united it as against a foreign enemy. Had the Colonies and the mother country understood one another, had the former been able to act with deliberate consideration under a compact Government of their free choice or through their individual Assemblies, matters would not thus have been pushed to extremities. The New England leaders had intentionally played for independence or conquest. The limitless forests of the interior promised, even to the ringleaders, a sure refuge in case of defeat. Their necks were in little danger, and few of them had much else to lose. But the other Colonies, an extreme and passionate minority excepted, aimed as yet not at independence but at a self-government secured against the interference of a distant Parliament.

Mutual mistrust and misconception, not irreconcilable disaffection on the one side or tyrannical intentions on the other, finally divided the moderate statesmen of America from the Ministry at home. Could Washington and Dickinson—the leader of the Pennsylvanian Moderates—have been brought face to face with Lord North and Lord Dartmouth, could the views of both parties have been frankly interchanged, the

issues between them would have been narrowed to a few by no means irreconcilable differences, such as neither could have dreamed of referring to the last arbitrament. But the invasion of loyal provinces in a state of profound peace finally committed America to rebellion and England to repression. England had no choice but to abandon her dominions on the North American continent or to hold them by force of arms. Gage was recalled without a censure—which would have been palpably and flagrantly unjust—but in a manner which evinced the extreme reluctance of the Government to accept the responsibility of Lexington and even of Breed's Hill. While preparing to maintain her claims by force, England still strove to open a door of repentance and negotiation.

The navy and army, both reduced to the lowest peace establishment necessary for the maintenance of home and foreign garrisons and the police of the seas, were largely increased. Four thousand men were drawn from Ireland, and a somewhat larger number from Hanover, though the latter were employed only to occupy the British fortresses in the Mediterranean, and release their English garrisons for duty in America. Unhappily the service was at that time especially unpopular. Its pay, though the highest in Europe, was below the market rate of wages. The long term of enlistment, covering the whole prime of manhood, the severity of discipline, the inadequate provision for the wounded, disabled, or disbanded soldier, the uncertainty of his fate—all united to repel the better class of artisans and peasants from the ranks; and the character of the recruits whom the Crown was thus driven to accept reacted on the reputation of the Army. Only by resorting largely to the poorer population of Ireland was it possible to maintain our small peace establishment at its nominal strength. Neither the King nor his Ministers were blind to the greatness of the task before them. Should the Colonies prove obstinate, should it be necessary to reduce America by force of arms, twenty or thirty thousand men must be added to an available force which hardly exceeded the latter number, and these could not be found even in the Scotch

Highlands or the wilds of Connaught. Necessity drove the Government to a resource which provoked no little animadversion at home and reproach abroad ; which did more, probably, than any other grievance to outrage the feelings and alienate the lingering loyalty of the Americans.

All the wealthier States of Europe had habitually relied on mercenary troops drawn from the poorer. Switzerland furnished the armies of Italian Princes ; a Swiss Guard had succeeded the Scottish Archers as the very flower of the French army ; an Irish brigade had turned the scale against England at Fontenoy ; the wars of Holland had been fought by German and Scandinavian hirelings. England at a later period redeemed the Peninsula with Portuguese and conquered India with Indian troops, paid, disciplined, and commanded by Englishmen. But it was another thing to employ alien mercenaries to put down the rebellion of British-born subjects. Still worse than the enlistment of hiring volunteers was the purchase of involuntary conscripts from Princes eager to barter the blood of their people for foreign gold. But such bargains had been a common practice among the petty Princes of Germany ; its ugliness veiled perhaps at first by their anomalous relations to the Empire and to one another. The Emperor of the Romans and King in Germany claimed the service of his hereditary vassals. His rebels or rivals appealed in their turn to common interests and military jealousies ; and Hessians¹ and Saxons were scarcely more interested in the quarrels of Prussia and Austria than in those of France and England.

The Elector of Hesse, whose subjects were among the hardiest and most martial of European peoples, furnished a large contingent of excellent quality to his fellow Elector of Hanover, upon terms whose exorbitant character testified to

¹ This name has acquired an odious significance, strangely illustrated by its application to the Northern armies in 1861 :—

Es long 'z he gives the Hessians fits, committees can't make bother
'Bout whether 'ts done the legle way or whether 'ts done the tother.

Biglow Papers.

the eagerness of the English Government and the exhaustion of its native resources. Other princelets were no less unprincipally in their greed, no less prodigally lavish of their people's blood. The least culpable was the Hereditary Prince of Brunswick, intimately connected with the Royal House, and by family tradition with the Army of England; a gallant soldier and distinguished patriot, over whose domestic sorrows, whose ruinous defeat at Jena, his agonising wounds and fearful death, the leading historian of America gloats with an exultation which, but for the intense unforgiving bitterness caused by the employment of foreign hirelings in a civil war, would have revolted his most partial reader.

Yet deeper animosity was excited by a measure for which Colonial history afforded abundant precedents. Throughout their wars, whether against savages or fellow-Christians—Pequots, Narragansetts, or Canadians—New York and New England had enlisted the services of Indian tribes, and made no pretence of restraining them in the full indulgence of their own barbarous cruelties. In the present quarrels the insurgents were the first to invoke and the first to enlist them: if the reproach of employing and failing to restrain them has been thrown on England solely or especially, it is not because the Americans were more scrupulous,² but because they were, for obvious reasons, less successful. They were the old enemies of all the tribes except the great League of the Six Nations; and the Six Nations regarded the King rather than the Colonies as their patron and 'father.' Iroquois and Delawares, Cherokees and Miamis alike, saw on which side lay their best chance of spoil and slaughter. Many months elapsed, however, before the quarrel was envenomed by actual tidings of Indian cruelties.

The nobler British commanders refused to render themselves responsible for the conduct of auxiliaries they could not control; or neutralised their instructions by insisting on restrictions and discipline to which the savage would not submit. In calling on the native subjects of the Crown to

² Washington's Writings, vol. iii. p. 495 (Sparks).

assist in the defence of Canada, Carleton forbade them to pass the frontier; and Washington's abhorrence of such allies was reinforced by his experience of their worthlessness in regular warfare. The Englishmen who reprobated the use of such instruments against men of our own blood and speech were met by reference to American precedents and provocations. But the orders of a Minister, who knew nothing save by report of Indian warfare, and a fruitless attempt, in pursuance of those orders, to raise the Cherokees against them, naturally exasperated the people of Georgia and the Carolinas, who knew to what horrors an Indian invasion must expose the defenceless homes, the helpless women and children, of the scattered western settlements.³

Months of enforced patience under affronts of every kind had goaded many officers of the royal army and navy into a temper to which acts of stern and even ruthless reprisal were but too congenial. A naval officer, wantonly insulted by the populace of Falmouth (now called Portland), in Maine, burned the town and drove its people to seek shelter where they might from the inclement weather of a Northern October. Such measures were disapproved by the Home Government. But the fury thus excited among a generation which had forgotten the mutual cruelties of the French wars, or supposed that rebels were entitled to more indulgence than alien enemies, was not appeased by the tardy tidings of their disavowal.

The state of civil war had existed for months; but its formal recognition had grave practical consequences. The exercise of belligerent privileges on the high seas, the distance

* Mr. Ingersoll, the historian of the Second British War, records the capture of a packet despatched, in 1782, by an Indian agent to Colonel Haldimund, then Governor of Canada, containing several hundred scalps, distinguished by different coloured marks as those of soldiers, farmers, women, boys and girls. Eighty-eight are said to be those of women; nearly four hundred to have been taken from the heads of children. The horror and shame excited by such trophies tendered to British officers should not render us oblivious of the fact that both French and Americans had employed Indians, and offered bounties for scalps without distinction of sex or age, during a century of warfare; that it was not till their own attempt to employ savages had signally failed that the insurgents were awakened to the wickedness and barbarism of their practices.

and geographical delimitation of the contending Powers, the existence of a *de facto* territorial government, or governments, in full control of an extensive country, wherein the status of the British was practically that of invaders, gave to a conflict technically intestine the character of international war. In 1776 as in 1861, the maritime Powers of Europe were entitled or obliged to assume the position and assert the rights of neutrality. Of these maritime Powers, the greatest were the unforgiving because vanquished enemies, or the jealous rivals of Great Britain. The rest, regarding with ill-will her naval ascendancy, her strict and sometimes high-handed use of that ascendancy to enforce her interpretation of maritime law, were already prejudiced against her, and sure, at the moment of her need, to assume a more or less actively hostile attitude. France was her inveterate and vigilant foe, waiting only for a promising opportunity of revenge. Spain, whose commercial policy and colonial interests were identical with those of England, was bound by dynastic ties, by vindictive feeling, and by the hope of recovering Gibraltar, to the cause of France. Holland, yet more obviously interested in the preservation of peace, was inflamed by immemorial jealousy of the maritime rival who had gradually wrested from her the long disputed dominion of the seas.

The loyalty of Ireland was something worse than lukewarm. The Protestant colony, secure in its profound contempt of the Catholic majority, forgot that its dependence, unlike that of Virginia, was natural and necessary; that it had been created, rescued from destruction, and confirmed in power—nay, that it existed and could exist—only by the protection of England. Impatient of a supremacy too often abused in the selfish interest of British commerce and manufactures, it began to regard the cause of the American Colonies as its own, and only waited for their triumph to emulate their pretensions. Strong in the prestige of recent and almost unparalleled triumphs, in her Asiatic, Mediterranean, and American dominions, England was at that moment physically weaker than at almost any other period. The very greatness of her empire

overstrained the strength of a population of some nine millions, and, if not the financial resources, yet the financial confidence of the wealthiest nation of the world. Nine million Englishmen and Scotchmen held by the sword colonies and conquests, provinces, islands, and fortresses scattered over the world, from Jamaica to Ceylon, from Calcutta to Detroit and Niagara.

At the close of 1775 Pennsylvania still hesitated, but as the moment approached when she must finally choose between her English allegiance and her American sympathies, the martial and hostile Presbyterians of the Western border were constantly gaining ground, while no more than political opposition, soon to be exchanged for quiescent neutrality, could be expected from the Quakers of the East. The Provincial Convention of New York, controlled by the insurgents, was hampered by the divided sympathies of the Colony. But the insurgents were, and the loyalists were not, prepared for violence, ready to extend the civil war raging in New England to their own soil. Two Connecticut regiments, under command of Lee, invaded the province and established the ascendancy of the insurgent Committee. Another body of invaders from New Jersey disarmed the loyalists of Long Island.

The insurgents were now masters of the situation, and proceeded to fortify the city and harbour of New York. Their ascendancy was the more complete, the discouragement of the loyalists more absolute, that these measures were taken in the presence and under the guns of a British fleet and army commanded by General Clinton. The rebel leaders probably knew that Clinton's orders, looking to the occupation and reconquest of the Carolinas, precluded him from undertaking offensive operations elsewhere; but their followers naturally supposed that their defensive attitude had sufficed to keep at bay a powerful British force. On its departure, Lee assumed the authority of a dictator or conqueror, imposed a test oath upon suspected persons, and ordered that, if they refused it, they should be sent prisoners to Connecticut. Even after his recall he ordered another Connecticut officer to arrest and imprison the whole body of professed 'Tories' (royalists) on

Long Island. But this usurpation of authority provoked the jealousy of the local Committee, and the execution of the order was summarily forbidden.*

In anticipation of Clinton's arrival, Governor Martin called the royalists of North Carolina to arms. The Highland veterans, who formed the nucleus of his military strength, would fain have awaited the promised support; but, relying on the noisy enthusiasm of partisans who knew less of the necessities and dangers of war, Martin gave orders for immediate hostilities. Feebly supported by a body of raw recruits, the Highlanders made a night attack upon a superior force of insurgents; who, retiring across an unfordable stream and destroying the bridge, save the main beams by which only two assailants could pass at once, drew them into a fatal ambush. The enthusiastic loyalty, the indomitable pride and courage of the Highlanders determined them to attempt the utterly impracticable passage. Relying on the broadsword alone, the assailants were shot down without a chance of reaching the enemy. Thirty were killed, wounded, or drowned. Their chief, wounded and disabled, was deliberately murdered by the insurgents. The rest of the attacking force was routed, captured, or disbanded. The insurgents used their victory with a brutality which inspired the intended terror. The royalists were bitterly exasperated, but even more completely cowed. Numbers rallied round the royal standard when the fortune of war gave to the British troops a temporary command of the province. But warned by their previous experience, too many of them hastened to change sides with the first symptoms of changing fortune.

At the instance of Congress, the States passed laws of a most stringent and reckless character to enforce upon creditors and sellers the receipt at par of State and Continental paper. If a creditor refused to take paper, worth in the market

* Shortly afterwards (1776), long before any devastating operations had been undertaken on the king's side, Jay, afterwards Chief Justice of the United States, would fain have laid half the State of New York waste on account of its royalist tendencies. *Life of President Reed*, i. 285 (Stanhope).

one-fifth or one-tenth of the coin he had lent, the debt was cancelled. Whoever refused the paper, accepted it at a discount, raised prices above those arbitrarily fixed by law, sold at different rates for coin and paper, or otherwise disparaged the Continental money, was denounced as an enemy to his country; a denunciation to which the populace was apt to attach a definite sense and practical penalties.⁵

⁵ In October 1776 Congress, which possessed no independent resources and no powers on which credit could be founded, opened loan offices in the several States and authorised a lottery. In December it issued five million dollars more in Continental bills. In January 1777, when they had sunk to one half of their pretended value, it denounced every person who would not receive them at par as a public enemy, liable to forfeit whatever he offered for sale; and it requested the State legislatures to declare them a lawful tender. This Massachusetts had enacted a month before, and the example was followed throughout the Union. — *Bancroft*, 6, page 166.

The Continental bills in January 1779 exceeded one hundred and six millions of dollars, and had fallen in value to twenty for one in silver; yet Congress maintained 'the certainty of their redemption,' and resolved — Samuel Adams and six others dissenting — 'that any contrary report was false and derogatory to its honour.' — *Ib.*, page 170.

CHAPTER XV.

EVACUATION OF BOSTON.

Predetermined by the British--Hastened by the Fortification of Dorchester Heights--Fortune favoured Washington--Incapacity of Congress.

IN the early spring of 1776 the insurgents were yet more profoundly encouraged by an event which, if it had not the character, had all the effects of a signal victory. It had become evident to the Ministry and to General Howe that the prolonged occupation of Boston was worse than useless. The beleaguering force commanded, and had strongly entrenched on their side, the narrow neck of land which afforded the only possible exit. The royal troops were cooped up in a town which, except as a refuge for the fugitive loyalists of New England, was of no military or political value. New York, on the other hand, offered to a Power whose naval supremacy was as yet absolutely undisputed the command of the Hudson; and a central station from which the province itself, Pennsylvania and New Jersey might be invaded, laid under contribution or reduced to submission. These were the provinces in which the loyalists were strongest, and believed to be much stronger and more zealous than they were.

General Howe, therefore, had received orders which, coincident with his own views, pointed to the evacuation of Boston and the seizure of New York. He was to await in his present position the large reinforcements promised by his Government. Washington recognised the extreme danger of a serious attack upon an army inferior in numbers but far superior in quality. In such an attempt defeat was eminently probable, and defeat might involve the destruction, certainly

the disbandment, of his army. But, goaded by the perverse civilians who pretended to direct from Philadelphia the movements of the Continental armies, by the intrigues of ambitious rivals and the ignorant impatience of the country, which roused an echo in his own camp, he found himself compelled to undertake such offensive operations as, without putting all to hazard, might satisfy the demands of Congress, and, if successful, exert a direct and possibly decisive influence on the course of events.

The Heights of Dorchester, which commanded Boston and the quarters of their army, were not occupied by the British. For two nights Washington had kept up a constant bombardment, which was renewed on the night of March 4 with redoubled fury, and returned with equal vigour from the British batteries. Under cover of darkness and the cannonade, he proceeded to seize the critical position. He had mustered a train of 300 wagons loaded with gabions, fascines, and bundles of hay. These, passing backwards and forwards ceaselessly throughout the night, conveyed a vast quantity of material already collected for the speedy entrenchment of ground frozen to the depth of more than a foot. 2,000 men covered the working parties, which placed the gabions and here and there threw up an earthen rampart. A favourable wind, seconding the roar of the guns, prevented any sound that could have betrayed the operations from reaching the ears of the British. The night was mild, the moon gave abundant light, while haze and smoke concealed from distant and preoccupied observers the progress of the work. In a single night a position strong in itself was covered by entrenchments which were absolutely proof against grape and musketry, commanding the ground from which it could be cannonaded, and capable of being held by steady troops against far greater numbers than Howe could have brought to bear. When the day broke, the British looked with consternation at the more than formidable position created by the labour of that critical night. .

Still, had not fortune done for Washington all that he could have asked, the courage and discipline which had driven

the Americans from Breed's Hill would have attempted the incomparably stronger entrenchments of Dorchester Heights. The assault was deferred till nightfall. 2,400 men, under Lord Percy's command, were to be conveyed by water to the spot. A violent storm arose in the afternoon, and blew throughout the night with such fury that the transports could not move. Torrents of rain falling during the morning of the 6th still further delayed the intended assault, and the Americans had time to render their works absolutely impregnable. The British General had seen on the instant that he must either carry the Heights or abandon the town they commanded; and on March 15 the army embarked on board their transports and abandoned a city they might have laid in ashes. In accompanying them into exile, in accepting ruin and destitution, a thousand of the best and wealthiest citizens of Massachusetts judged wisely. To abide the tender mercies of Washington, who reviled them for not committing suicide,¹ would have been madness. In the absence of the expected reinforcements, it was too soon for Howe to carry out his original plan. With a total of less than 8,000 men, including sick and wounded, it was impossible to attempt the reduction of New York. The British forces were therefore withdrawn for the moment to Halifax, and the King no longer possessed a foothold in the revolted Colonies.

The insurgents had gained an invaluable and almost decisive advantage, had there been among them a single statesman capable of understanding or turning it to account. Three or four months were to elapse before any serious aggressive operations could be undertaken by the enemy. In a shorter time the Confederate States of 1861 had created, in the memorable words of which Mr. Gladstone seems ashamed, 'an army, a navy, and a nation.' In July 1776 the military strength and organisation of the insurgents was much what it had been when, in the middle of March, the British evacuated the Colonies. They had secured the support or submission of

¹ Letter quoted p. 226 note. In writing to Gage he officially calls them 'exorable paricides.' Irving, p. 371 [Bohn's Ed.]

the moderate party throughout the middle and southern Colonies; had obtained control of Pennsylvania by engaging to respect the non-combatant principles of the Quakers; had printed fresh issues of worthless paper; and had begged a million dollars from the secret agents of Vergennes, the Foreign Minister of France. Local patriotism and prudence had raised a few Colonial battalions and fortified one or two indispensable positions. But Congress had done literally nothing to provide for the defence of the Colonies at large.

If Great Britain could have been frightened by big words, if high-sounding resolutions could have repelled her soldiers or seamen or sheltered New York from her cannon, the assembled demagogues of Philadelphia might have put in a claim to the honours which posterity has lavished upon their names. The army in front of Boston had consisted of raw recruits enlisted for a year, of militia and minute-men whose nominal term of service was briefer still, and who, when discouraged by defeat or relieved by victory, deserted or disbanded by hundreds. It was not to be hoped that such annual or semi-annual reconstruction could always be protected by impregnable entrenchments; that another British army would be held inactive within its lines while the opposing forces dwindled to insignificance and were again recruited to twice its strength. Washington repeatedly and earnestly insisted on the enlistment of soldiers for the war or for a minimum period of three years; but the Congressional leaders would listen to no such proposal. Their selfish ambition shrewdly foresaw that power must pass from the hands of the Assembly which starved the soldiery to the General who led them; that independence won by the sword must redound to the honour and profit of those who had won it; that a veteran and victorious army would, if they and their commander chose, be masters of the situation; and they were more careful to guard against the supremacy of Washington than to provide for the impending struggle with Howe and Clinton.

If Charleston did not promptly fall into the hands of the latter, if years elapsed and the fortunes of the contest were

changed before a conquering army, recruited by the royalists of Georgia and the Carolinas, threatened the frontier of Virginia, it was by local men and local resources, by the determination of Moultrie and the spirit of South Carolina, not by the energy of Congress, that disasters so fatal were averted till they could no longer turn the current of war; till the English commanders had to cope with an American soldiery instructed by experience and disciplined by defeat, and with the yet more formidable fleets and armies of France.

CHAPTER XVI.

THE FIRST CAMPAIGN.

Declaration of Independence—Capture of Long Island and New York—Escape of the American Army—The Peace Conference—The Campaign of New Jersey.

ON June 29, 1776, a powerful British fleet, conveying the reinforced army of Howe, lay off New York. When these tidings reached Congress, that body was engaged in debating the famous 'Declaration of Independence,' a document more widely celebrated than read, French rather than English in style, and an admirable specimen of that native eloquence on which educated American taste has fixed the name of 'spread-eagling.' The Franklins, Adamses, and Rutledges perhaps fancied for a moment, with subsequent American historians, that Mr. Jefferson's inflated rhetoric and lofty phrases had 'converted' the Colonies into thirteen 'sovereign and independent States.' The contrary was presently demonstrated by the landing of the British troops on Long Island, and the easy and decisive defeat, on August 27, of an American army of eight thousand men.

Had the British been vigorously commanded and duly provided with artillery, axes, and scaling-ladders, the last American works must have been carried at once, and the army surrendered at discretion. Under cover of darkness and of a dense sea fog, on the 29th and morning of the 30th, Washington skilfully escaped from the island; a feat rewarded with such praises as European soldiers reserve for a brilliant and decisive victory. The capture of Brooklyn rendered the fall of New York a question of time. The American officers were eager to burn the city—avowedly because the greater

part of it was the property of known or suspected royalists. Washington himself did not shrink from the deed, if he concealed its character under a military pretext. Only the sanguine miscalculations of Congress saved the American cause from the disgrace of a gigantic act of arson. Assured that their magniloquent Declaration was not a form, but a fact big enough to scare the British from the capital of an 'independent State,' they forbade the destruction of a town which must speedily be recovered.

On September 15 a vigorous attack was made upon the city from the East River. Eighty-four boats laden with troops, covered by the cannon of the British fleet, pulled towards the shore. The brigades of Connecticut and Massachusetts flung away their arms and ran for their lives, without firing or receiving a shot. Washington, at the first sound of the cannon, made for the critical point and endeavoured to rally the fugitives and lead them to the encounter; but on the appearance of some sixty British soldiers the soldiers of New England, smitten with a second panic, deserted their chief, leaving him and a few officers within eighty yards of the enemy. The General's spirit could ill brook the vicarious shame—despaired naturally enough not only of success, but of honour, at the head of troops two brigades of whom had run before a single company. He was with difficulty induced to follow them, to escape capture, perhaps, rather than death. The division of Putnam, occupying the lower town, were practically cut off by the flight of their comrades; and but for that fatal want of energy and promptitude which rendered General Howe's splendid courage on many occasions worse than useless to his country, they must have been intercepted and made prisoners. The wife of an insurgent sympathiser is said to have detained the commander and his principal officers to enjoy a hearty lunch while the American regiments effected their escape. The British gained New York with the loss of two killed and twenty wounded. Of the Americans fifteen were hurt. One hundred and fifty-nine 'missing' were either too tipsy or too sluggish to follow Putnam's troops in an

evasion which Howe should certainly have interrupted. A few days later a large part of the city was destroyed by a fire, about whose origin, in spite of the facts above related, American partisanship finds a mystery. There is no proof that those who executed Washington's original plan had any authority from their commander-in-chief.¹

General Howe and his brother, Lord Howe, the Admiral commanding the fleet, were entrusted with large powers to terminate the war by negotiation. Their appointment was a signal proof of the conciliatory temper of their Government. Both were, for personal as well as public reasons, exceedingly anxious to effect a pacification. Their elder brother had died for New England in the campaign of Lake Champlain, and his memory was popular even in Massachusetts. But the Commissioners ill understood the men with whom they had to deal. The peremptory return of a letter addressed to 'George Washington, Esquire,' was fatally significant. The insurgent commander was probably within his technical right; but in standing on such a punctilio he threw his whole personal and official influence on the side of war, demonstrating that he entertained no hope of peace or had decided that separation was now the only admissible issue. Congress snatched the opportunity to repudiate the idea of conciliation with all possible emphasis by its choice of Commissioners. Franklin's very name was a defiance, if not a personal affront; John Adams was known as the bitterest and most inveterate enemy of England in Massachusetts; Rutledge was the Adams of South Carolina.

Bitterly as they must have been disappointed by such a selection, accompanied by a resolution that no proposals for peace should be received unless they recognised the authority of the States in Congress—that is, unless they betrayed the loyal party and yielded the independence of America—the Howes received the ill-omened embassy with signal courtesy. Adams seized the first opportunity of insulting them. 'Con-

¹ That the fire was the work of a body of American spies is clear from Howe's Report. Stanhope, vi. 116.

sider us in any light you please, except that of British subjects.' The agents of Congress cut discussion short by refusing to entertain their own recent petition as a basis of negotiation. They would hear of nothing but independence. As the result of a signal disaster and disgraceful defeat, they demanded nearly all that, with Europe to back them, they were able to extort as the fruit of a decisive victory. Yet while thus proclaiming war to the knife, Congress made no preparation to wage it. On September 16 they resolved that, eighty-eight battalions be enlisted to serve during the war; but the inducements offered were wholly inadequate, and the levying of the new regiments was referred to the local authorities, entailing a needless delay of several months. The appointment of regimental officers, the filling up of vacancies, was still yielded to the several Colonies. Washington reiterated his desire that the officers might be gentlemen,² a suggestion of soldierly experience exceedingly offensive to the democratic spirit, strengthened doubtless by wounded personal feeling, which animated most of the Northern delegations.

Meanwhile the Cherokees and other Indian tribes, eager to recover their lost lands, took up the hatchet and fell upon the frontiers of South Carolina and the infant settlements in what is now called Eastern Tennessee. They were easily defeated and speedily punished; their country was ravaged, and every town within reach of the invaders, to the number of forty or fifty, was burned. Carleton employed the summer in preparing for a diversion upon the familiar route of Canadian invasion, and moved southward with a small but formidable army. A British flotilla was launched on Lake Champlain; Crown Point had been evacuated; the American vessels commanded by Arnold were scattered and burned, and a vigorous attack might probably have recovered Ticonderoga. But the Northern frosts were at hand, and on November 8 the Canadian army was withdrawn into winter quarters. By this time John Adams, chairman of the Military Committee of Congress, had accepted the policy of raising troops 'for the

² Writings, iv. 139, 149.

war,' but in everything else remained as before—ill-informed, self-opinionated, perverse, obstructive, and incapable. 'The British force,' he said, 'is so divided that they will do no great matter more this fall.' Such was his answer to the emphatic warning of Washington, whose private letters declare that 'he could wish no bitterer curse to an enemy' than his own position.

When British vessels, having run past the weak impediments by which the Americans had hoped to block the Hudson, acquired a complete command of the river, Adams, on behalf of Congress, ordered Washington 'to destroy effectually the navigation between the forts, and prevent the egress of the enemy's frigates!' General Greene, an uneducated and still wholly inexperienced but daring and capable officer, equally misapprehended the situation. Lee, with much more reason, believed that Howe would attempt to seize Philadelphia. Meanwhile, by seizing the critical point of Throg's Neck, and threatening to cut the American line of retreat, the British General compelled Washington, after some hard fighting, to relax his hold on the northern end of Manhattan Island, and withdraw the main body of his forces to a chosen position at White Plains. The march became a race, Howe endeavouring to intercept the retreat; but the Americans had the advantage of ground and available numbers, and reached their objective point in safety.

At White Plains they occupied an exceedingly formidable position, its flanks resting securely on natural obstacles, its front protected by a double line of entrenchments. Howe, a sluggish but when once roused by no means timid commander, declined the tremendous hazard of a pitched battle—or rather, of an attempt to storm fortifications held by a fairly equal army. Repulse would necessitate a long retreat in face of a victorious enemy. If the first line were carried, a second had still to be stormed; the enemy, driven from both, had a safe retreat open to him; so that victory could hardly be decisive, and defeat might be ruinous. The only encounter which took place much resembled that of Bunker's Hill. Two Hessian

regiments, supported by a British brigade, attacked a strong position occupied by five New England, Southern, and New York regiments. For fifteen minutes the former struggled up under a deadly fire which they were unable to return; but a flank attack bringing the assailants to close quarters, the Americans fell back on their main body with comparatively but little loss.

The peremptory orders of Congress had compelled Washington to leave a strong garrison in the fort called by his own name, which formed his last hold upon Manhattan Island. With heavy loss the British seized some commanding points; and the frightened garrison huddled within their inner works. Washington was near enough to signal a promise of rescue and forbid surrender; but, after a loss far less severe than that of the conquerors, the disheartened Americans capitulated, surrendering a quantity of artillery and stores they could ill spare, with two thousand six hundred of their 'most efficient and best-armed troops.' Shortly afterwards, in this crisis of their country's fate, three thousand of the Massachusetts militia abandoned the army under command of Lee, who declared himself thereby disabled from obeying his orders and rejoining Washington. Meanwhile, the latter, falling back from White Plains, was driven by Cornwallis through New Jersey. The conduct of the province shows the geographical and moral limits of that 'patriotic enthusiasm' which is popularly supposed to have achieved the independence of America; an enthusiasm which, at this period, seems to have been confined to Massachusetts, Connecticut, and Virginia, and had not prevented the New Englanders from exacting their release from service to the day and hour. The appeal of the Governor could not bring into the field one full company of militia.

Several commanding officers voluntarily submitted to the enemy, as did Samuel Tucker, who united the strangely incompatible offices of President of the Convention, Chairman of the Committee of Safety, Treasurer and Judge of the Supreme Court. The Convention of Maryland voted its willingness to

renounce the Declaration of Independence 'for the sake of an accommodation.' Unfortunately the British naval and military commanders divided their forces. Four brigades under command of Clinton were sent to occupy Rhode Island, an easy and useless conquest, which was not made the base of offensive operations against New England, and long detained a garrison which could ill be spared from active service. The final result was that Washington safely escaped across the Delaware at Trenton; the last of his fugitive army³ passing the river as Howe entered the town.

The retreating General had destroyed or secured every boat on the river and its tributaries for a distance of seventy miles, rendering pursuit impossible. Lee at last marched from Peekskill to join the commander-in-chief, complaining bitterly of Washington's alleged incapacity, of the want of guns, cavalry, medicine, money, and shoes, and of the hostility of the country. But, moving and lodging, as if in perfect security, some miles from his troops, the second-in-command of the Continental army was surprised and captured by the rapid dash of a small party of dragoons. Philadelphia seemed in imminent peril. On December 11 the panic-stricken Congress ordered Washington to contradict in general orders 'the false and malicious report that they were about to disperse or adjourn.' He knew them too well to obey, and on the next day they voted an adjournment to Baltimore, leaving the city under the protection of General Putnam.

To the surprise of all parties, General Howe suddenly abandoned the prize which was obviously within his grasp; expecting—such is the strange reason given for his prolonged inaction—the proximate dissolution of the Continental army, as the engagement of most of the regiments was about to expire. The British General returned to his winter quarters in New York, leaving the 42nd Highlanders with two Hessian brigades under General Donop to hold New Jersey. Donop would have fortified Trenton, but Rall, whose brilliant exploits had won a promotion and a trust for which he was hardly

³ So described by Mr. Bancroft.

fitted, and which had perhaps turned his own head, had been placed in command at this critical point, and disdained all precautions against a beaten enemy. Washington meanwhile was in the depths of despondency. The British he said were daily recruiting their strength among the 'disaffected' population; New Jersey and Pennsylvania were more than lukewarm in the American cause. 'The militia come in you cannot tell how, go out you cannot tell when, act you cannot tell where; consume your provisions, exhaust your stores, and leave you at last in a critical moment.'

With a force which he returned at six thousand—which therefore was not less than that number—he was in no condition for a vigorous and general offensive. But the over-confidence of the British suggested one of those isolated operations—suited to the quality of his men, the nature of the country, and his own genius—by which, rather than by successful strategy or victories in the field, his fame and the reputation of the Continental army were established. Rall being without boats and unsuspecting of danger, the river completely screened the enemy's movements. At three in the morning of December 26 two thousand five hundred picked American troops, with their artillery, were ferried over the Delaware, pushed on amidst a violent storm of sleet and hail, and surprised the town at the moment when the night patrols and pickets had turned in. Rall was taken completely off his guard; his Hessians were surrounded and thrown into confusion, and, after a desperate attempt to break through, surrendered to overwhelming odds of number and fortune. In half-an-hour's scrambling fight the Americans lost not a man; of the Hessians seventeen were killed, nine hundred and fifty taken—many of them wounded—and one hundred and sixty escaped. The disaster was due solely to the imprudence of Rall, skilfully used by Washington.

The exploit shows in a striking light the best qualities of the best American troops. The odds on the field were such that the victory proved nothing, except the skill of Washington and the completeness of the surprise. But the political

value of the exploit bore no proportion to its military significance. The sudden and wholly unexpected reverse of fortune, the facile, complete, and signal success achieved by an army so lately reduced to the last extremity, the capture of a thousand regulars, inspired the insurgents with a wholesome if somewhat exaggerated confidence in themselves, and a much more reasonable faith in the resolution, skill, and good luck of their Commander-in-chief. In Europe the story of the capture seems to have been wholly misunderstood. Even capable soldiers accepted it as a proof of American valour and discipline, overlooking the difference of numbers and the fact that the attempt was made in reliance on the character of Rall, and would not have been ventured against Percy or Cornwallis, Donop or Knyphausen.

On receipt of these tidings, Cornwallis, with part of the British force in New Jersey, turned sharply upon Washington, and after some severe skirmishing drove the Americans from their advanced positions and prepared, at the dawn of January 2, to storm Trenton. The Americans had no hope of victory; and defeat at close quarters would render the retreat of undisciplined troops in face of the victors almost impossible. The most probable result was the surrender of the Continental army and the total ruin of the cause. A night evasion was feasible, but it meant the loss of the prestige so hardly recovered, and probably the capture of Philadelphia and the submission of the Middle Colonies. Once more the inventive genius and judicious audacity of Washington converted impending disaster into signal success.

The strategic and technical rules of European warfare are imperfectly applicable to a thinly-peopled and densely wooded country, and the most brilliant successes in the military history of America have been achieved by those Generals who, like Washington, Sherman, R. E. Lee, and Stonewall Jackson, have best understood how to profit by the vast distances, the absence of roads, the slow movements of a force encumbered by baggage and artillery, and above all the cover afforded by the forests which still occupy so large a part of the Atlantic

States, and which in the last century were at least thrice as extensive as in 1861-5. Keeping up a continuous blaze of camp fires to screen his movements from the worn-out and drowsy enemy, Washington passed under cover of night around the flank of Cornwallis, and marched upon Princeton, where considerable magazines were stored by the British, and whence Cornwallis had withdrawn the greater part of the scanty garrison. The 40th and 55th regiments, on their march to join their chief, found themselves intercepted by the American vanguard. The latter were speedily and ignominiously routed; their officers, in vain endeavouring to rally them, were left in the rear and shot down or bayoneted. Meantime, Washington himself came upon the ground, and the victors found themselves all but surrounded by a fivefold force. Even then the Americans wavered, and only the personal conduct and self-exposure of their chief, who rode in their front and compelled them either to follow or abandon him, brought them up to the encounter. After a stubborn resistance, the few hundred British soldiers broke and fled, leaving some two hundred killed and wounded and about as many prisoners on the field. Princeton fell into the victor's hands.

This disaster, followed by a series of skirmishes, in all of which the Americans had the advantage, resulted in the retreat of Cornwallis. Unsupported by his superior, who remained inactive at New York, he was compelled to evacuate the greater part of New Jersey and to leave its loyal inhabitants at the mercy of the insurgents. Washington ordered that all those who had accepted British protection should *withdraw within the enemy's lines or take the oath of allegiance to the United States*. The latter pretension was repudiated by Congress. No allegiance was due to a confederacy of independent Colonies; the fealty of her citizens was claimed and acknowledged as due to each several State.⁴ But

⁴ 'The people of the United States thought that they had established a government, and there was no government. In the draft of Dickinson, the confederation was an alliance of sovereign states; every change in it increased their relative weight.' Bancroft, vi. p. 352.

this distinction, most significant in its historical bearing, was of no benefit to the victims.

This outlawry of royalists can be justified only on pleas which would have vindicated the like treatment of every American town or province occupied by the British ; but now, as throughout the early years of the war, the generosity of the royal commanders forbore to retaliate the severities perpetrated by the insurgents, even when permitted or directed by the Continental Congress and Commander-in-Chief. The extreme measures taken at a much later period, of which American historians so bitterly complain, fall within the precedent set by Washington himself. The first months of 1777 were occupied by a series of indecisive skirmishes, marches, and counter-marches in northern New Jersey, ending in the complete evacuation of the province by General Howe, who was now bent on another, and, as he thought, much more decisive object. Both Commanders-in-chief failed in every important operation attempted, and the honours of the indecisive campaign rested with Arnold on the American and Cornwallis on the British side.

CHAPTER XVII.

SARATOGA.

Plan of Burgoyne's Campaign—Inevitable Wasting of his Force—Flight of St. Clair—Resignation of Schuyler—Burgoyne victorious in the Field, overwhelmed by Numbers—Capitulation—American Infamies—Effect on Europe.

MEANWHILE Lord George Germaine, bitterly prejudiced against Carleton, partly on account of the humanity which restrained him from employing the Indians in offensive operations, partly by the ineffective issue of the autumn campaign, ordered the Governor of Canada to transfer the military command to General Burgoyne. The loyal and chivalric soldier did his utmost to strengthen the force he was forbidden to lead, and to prepare the triumph of his successor.

Burgoyne, a gallant gentleman, a not unskilful but overconfident and, in American warfare, still an inexperienced commander, with a total number reckoned by American authorities at nearly ten thousand, of whom one thousand were reluctant Canadian waggoners, and another thousand Indians, useful as scouts or skirmishers in advance, but wholly ungovernable in confusion or disaster—at least as formidable to friend as to foe—marched upon Lake Champlain. His ultimate objective was Albany, where he was to effect a junction with a force from New York, under Clinton, and reduce the whole province. When, on July 1, 1777, the invaders approached "Ticonderoga," they numbered at the outside seven thousand five hundred soldiers, of whom just half were British. St. Clair, who afterwards proved himself an adventurous leader in irregular war, occupied the fortress with nearly half this number. Such a garrison should have held out such a position for months. But the defence of works from

which there was no retreat did not suit the Northern soldiery. St. Clair evacuated Ticonderoga and the subordinate works, leaving behind him seventy cannon, ammunition and provisions, oxen and tents, which the Americans could ill spare. On the morning of the 7th a sharp engagement, in which the American rearguard was defeated after a stubborn defence, checked the pursuit; and St. Clair purchased with a loss, moral and material, heavier than that of a pitched battle, his safe escape to Fort Edward.

Compelled to leave a strong garrison in Ticonderoga, Burgoyne moved forward with a diminished force. The American army, under Schuyler, fell back before him, and the militia of New England and Northern New York gathered rapidly upon his flanks and rear. Arnold, equally honoured by the trust of Washington and the animosity of Congress, was, as usual, despatched to the point of danger. Meantime Burgoyne had bitter proof of the worthlessness of the Indians. They fought one stubborn skirmish, in which the Americans retained possession of the ground, but lost more than one hundred and fifty killed, wounded, and prisoners, probably twice the loss of the royalists and Indians engaged. But the wanton murder of a lady, the betrothed wife of a British officer, by her Indian guides, the utter indiscipline of the red men, their desertion after defeat or heavy losses, the plunder of the British baggage, the ferocity, greed, and insubordination which nothing could restrain, rendered the army heartily sick of its savage allies. On August 16 the advanced guard, under Baum, was surrounded by the gathering forces of New England. The Indians fled. The Brunswickers, who, with the 44th, formed the main strength of Baum's force, maintained their position till their powder was exhausted. Baum then endeavoured, with the bayonet and the sabre against the rifles of the vastly superior numbers by whom he was assailed on every side, to cut his way through. He fell mortally wounded, and the remains of his brigade, some seven hundred in number, surrendered.

Congress, meanwhile, had recalled Schuyler and substituted Gates in his place. Schuyler's fault seems to have been that

he was far too much of a gentleman¹ for the New Englanders, upon whom the fortunes of the campaign depended. He himself, with a spirit as exalted and unselfish as ever Washington displayed, quietly endured the insult, and even excused the submission of Congress to the insolent indiscipline of the militia.

By this time the Americans had fallen back to Saratoga. Including the main body there collected and the levies gathering on every side around Burgoyne, Gates commanded more than thirteen thousand men against an available British force which had dwindled to some five thousand. The American position was so strongly fortified that, had it been held by the British, neither twice nor thrice their number of such troops as Gates commanded could have dislodged them. Yet, his retreat cut off, his flanks more and more closely threatened, Burgoyne was compelled to attempt the attack of an almost impregnable position held by a vastly superior force. In a battle on September 19, fought under the advice and direction of Arnold, the Americans were defeated; but owing to the enormous odds of ground and numbers, their loss was scarcely more than half that of the British. The 66th regiment was reduced from five hundred to sixty men. The marvel is that this Pyrrhic victory was not at once followed by the capture of the victors. Burgoyne was already surrounded. The bridges which he had built on his advance were broken down. The woods swarmed with an enemy who, while harassing him by night and day, withdrew in security whenever he attempted to drive them off. Yet the struggle went on for three weeks longer.

On October 7 the British General with his three best officers, Phillips, Riedesel, and Fraser, and with no more than 1,500 men, the utmost force he could spare from the defense of his camp, drawn up in order of battle, challenged the main American army, stated by themselves at 11,000 men, equally well armed, more skilful marksmen, and in incomparably better condition. Crushed by an overwhelming fire of rifles and grape on their flank and right rear, the British made

¹ Irving, pp. 419-421.

good their position till night, but with enormous loss, including their best officers.* Arnold, who led the most resolute attack made by the Americans, and to whom, though acting as a volunteer, the credit of the day was largely due, was himself badly wounded. Burgoyne had no choice but to retreat, and made his last encampment on the night of the 9th, in a bad position, including the village of Saratoga. On the 12th the British army found itself closely invested. Every part of their camp was searched by cannon and even rifle fire. They were driven to negotiate. Gates demanded their surrender at discretion, but the insulting proposition was scornfully rejected. Burgoyne threatened an attempt to force his way out at the point of the bayonet; and Gates, who knew something of British troops, resolved with as much prudence as generosity to accept their counter-proposals. 3,500 fighting men who had not an ounce of bread or flour, besides the wounded, sick, and camp followers, laid down their arms. By the terms of the capitulation the whole body were to be embarked at Boston and to return home, on the sole condition of not serving again in North America during the war.

During the first part of their march the prisoners were treated with decency and even with courtesy. As soon as they entered Massachusetts they were reviled and insulted, after the traditional fashion of Puritan dealing with defenceless captives, from Charles I. to Conanchet. An American colonel murdered two British soldiers, and was triumphantly acquitted by a sympathising court-martial. An English lady[†] and her daughter of fifteen were also prisoners at Boston. The women of that city, lost to all sense of human decency and all womanly instincts, actually seized, stripped, tarred and feathered, and paraded through the streets these

* The spirit of Mr. Bancroft's history is shown in his exultation over the heroic death of General Fraser, and the insults thrown on his memory on no other pretext than his loyalty to King and country; and an equally ungrounded assumption that, had Gates insisted, the British army would have surrendered at discretion.

† Lord Stanhope. These facts are carefully *ignored*—not questioned or explained—by Mr. Bancroft.

innocent and helpless victims. It is hardly credible that no effort was made by the people to prevent, or by the Government to punish, this unparalleled outrage on feelings which Puritan decency and American manhood are supposed to have rendered especially susceptible.

Congress showed as little chivalry as their constituents of Massachusetts. British officers had been promised quarters suitable to their rank. They were crowded half a dozen together into a single room. Burgoyne protested against this 'breach of faith,' and Congress, snatching at the words, alleged that the General meditated a retaliatory treachery. The suggestion was at once repudiated, but none the less persistently repeated. The military chest had been plundered, as generally happens in a scene of such utter confusion; plundered, in all probability, by the lawless victors. Side-arms had, in accordance with the usages of war, been retained by the officers. The number of cartouche-boxes was short—as was proved, because most of them had been exchanged for refreshments or stolen by the victors. Burgoyne withheld—probably because he was utterly without the means to give it—a detailed return of the numbers of each rank included in the surrender. Upon such flimsy pretexts as these—pretexts which Gates himself denounced with manly courage and soldierly honour as unfounded and disgraceful—Congress determined to repudiate

'Mr. Bancroft slurs the matter as much as possible, but gives the false excuses of Congress and suppresses altogether Gates's exposure of their falsehood. Washington's private letters show that he was at heart ashamed of the business, General Gates's language was emphatic and conclusive. He wrote to Congress (Gordon's *History of the Revolution*, ii. 45): 'Many of the cartouche boxes were left, and some of them were carried away. The mention of the accoutrements was forgotten in the Convention. Those that have been carried away have been sold on the way to Boston for drams. . . Many arms were lost in the two hundred bateaux that were taken from the enemy on their retreat from Freeman's Farm, and many others were plundered by the militia on the other side of the river. The bayonets were also pilfered by our own people. The very guards themselves supplied their wants from the piles. Many of the scabbards for the bayonets were disposed of in the same manner. I believe there was no destruction of military stores after the Convention by or with the privy of General Burgoyne and his officers. I do not conceive that anything of sufficient consequence was done to justify our charge of their having violated the Convention.'

the capitulation *in toto*, and detained 5,000 British soldiers as prisoners of war.

Washington's private letters show that he was thoroughly cognisant of the true character of a transaction which could not but reflect some shadow of its stain upon the Commander-in-Chief. Bayard or Outram might have threatened to break a dishonoured sword. But though a man of stern principle and ungracious integrity, Washington had the hard Puritan honesty of a severe man of business, to whom the generous impulses and passionate instincts of chivalry are wholly alien. Byron's aptly-chosen epithet, 'the Cincinnatus of the West,' was truer than its inventor dreamed. It suggests some great, one or two heroic, but no knightly virtues, no admirable faults or lovable weaknesses.

But neither the overwhelming odds which enfeebled the military lustre of the victory, nor the treason which attaches to it a shame deeper than clings even to ignominious defeat, impaired its material, still less its political value and effect. The very fact that British troops, no matter in what extremities, had surrendered to insurgents, no matter what their advantages of number, position, and resources, took the Powers of Europe by surprise. They had hitherto regarded the Americans, with contemptuous ignorance, as a mere insurrectionary banditti; they now, with equal ignorance, elevated the conquerors of Saratoga into a disciplined and reliable soldiery. France, her resentment pliant as usual to her vanity, gladly forgot and forgave the part borne by the English colonists in one of her most obstinate wars and most decisive defeats. It was by England that she had been beaten, on England that she longed to avenge the fall of Quebec and the loss of Canada; and she was ready to believe implicitly in those who had conquered her conquerors. She scarcely affected longer to conceal her virtual alliance with the insurgents, whom, in defiance of treaties and of public law, she had furnished with money, ammunition, and martial necessities of every kind, to whose privateers she had opened her ports, and whose cause prudence alone had thus far restrained her from espousing.

*Franklin and Silas Deane, the unrecognised Commissioners of Congress, had all along been received in Parisian society with distinction less flattering to them than insulting to their Sovereign ; the Sovereign to whose generosity France was so deeply indebted. The Marquis de Lafayette, a spirited lad of nineteen—whose extreme youth as yet excused or veiled the intellectual and moral weakness, the inordinate and unscrupulous vanity, the want alike of true principle and steadfast purpose which rendered him throughout a long and eventful life useless to his country, dangerous to his party, and fatal to all who reposed the slightest trust in him—having secured the promise of a major-general's commission, threw himself heartily into the insurgent cause. His erratic sense of honour was curiously exhibited. With an American commission in his pocket, he did not scruple to visit the English Court, to avail himself of the courtesies of those who, without straining the technical rules of war (as he presently strained them against a far nobler man), might have hanged him as a spy. Yet he scorned to render the services of a spy, and refused an invitation to visit British arsenals ; an invitation which of itself should have indicated, even to a boy, the more than ambiguous character of his position. Safely landed in America, he was treated by Washington with equal tact and courtesy. The American Commander-in-Chief understood at once the political value of his presence and his utter unfitness for a command far lower than that which his conceit had demanded ; and which Congress had been recklessly pledged to bestow. Without formally disallowing his pretensions, Washington detained him as a member of his own military household and employed him in the duties of an aide-de-camp. Congress, eager to detach the young aristocrat from a chief of whom its leaders were desperately jealous—perhaps afraid that France might prefer to deal with the soldier and statesman who was the real head of the insurrection rather than with an assembly of wayward and incapable politicians—presently offered to a youth who had yet to learn the alphabet of war the independent command of an army destined for the invasion of Canada !

Happily for their favourite and their cause, their practical incapacity neutralised their amazing folly and unscrupulous intrigues. They took no measures to raise the 10,000 men, they had promised; no enthusiastic volunteers flocked to serve under the boy-marquis; and a scheme which could hardly have failed to compensate England for the disaster of Saratoga, collapsed with equal ignominy and good fortune.

About this time, a villainous incendiary, who had made repeated unsuccessful attempts to fire the arsenals and seaports of England, was detected and punished. He solemnly averred, as a dying man, that he had been hired by Deane for this service, a service worthy of those who had fired the City of New York and repudiated the Convention of Saratoga.⁵ Chatham, once more able to appear in Parliament, excused his American partisanship under a well-grounded fear of foreign intervention. 'Make peace on any terms with the Americans' was his cry, 'lest France should recognise them. When she does so, you must declare war if you have but five ships in your ports.' The King and the Cabinet preferred the glorious example to the craven counsel of the great War Minister.⁶

The disaster of Saratoga was a cruel if not a crushing blow to the pride and prestige of Great Britain. In a merely material and military aspect, she could ill afford the loss, by death, wounds, and capture, of 6,000 or 7,000 excellent soldiers. It was an ominous illustration of the dangers and difficulties of a war that could not be brought to the issue of open battle, and decided by the cannon and the bayonet. It was a political misfortune of the gravest possible significance. But it was not entirely without relief or compensation. If Gates had owed a signal victory to overwhelming numbers and impassable distances, British honour had been sustained

⁵ Stanhope, vi. 145; State Trials, xx. 1365.

⁶ The first American Civil War taught the world that, in that day, discipline, skill, and resource were powerless against distances and deserts; the second reversed that lesson, and showed that no natural obstacle but the want of water can now baffle the invader who, like the Roman, civilises the country, pierces the forest, bridges the rivers, lays down railroads and telegraphs as he advances.

on fields better suited to test the respective discipline, endurance, and martial quality of the contending forces.

Howe had left Sir Henry Clinton in charge of New York. The latter, with some few thousand men, had carried at the point of the bayonet the two American forts intended to command the Hudson. The garrisons effected a retreat so rapid that the loss of their well-entrenched and invaluable positions was aggravated by little if any loss of life. With equal facility a third strong fort on an island near West Point was captured, a boom intended to close the river cut, and two American frigates destroyed. At less cost than that of an Indian skirmish, the Americans evacuated a formidable series of entrenchments and the whole line of the lower Hudson. With somewhat greater numbers and with somewhat more venturous strategy, Clinton might have seized Albany itself. Its fall would have spread panic throughout the ill-disciplined musters of Gates, more careful of their several provinces than of the common cause, and might well have averted the fatal issue of Burgoyne's expedition.⁷ As it was, the credit and significance as well as the results of Clinton's successes were lost in the ruin of the more important co-operating army; and the Hudson, down to West Point, fell once more under the control of the insurgents.

⁷ Burgoyne himself avers that the news of Clinton's successes, received ten days sooner, would have turned the scale. Narrative, p. 25.

CHAPTER XVIII.

THE PHILADELPHIAN CAMPAIGN 1777.

Howe landed too far from his Objective—Panic of Congress—Battles of the Brandywine and of Germanstown—Red Bank—Retreat of Washington—Philadelphia a second Trap for the British—Reconstruction of the Continental Army—Congressional Favouritism.

Howe meantime had moved the main body of his army, estimated at seventeen thousand men, by water to the Elk river, some fifty-four miles from Philadelphia.

The danger of the capital and the terror of Congress compelled Washington to make prompt efforts to arrest the movements of the enemy. Had Howe landed, as he might have done, within a few miles of the city, yet allowed the American army time to answer the call from within, Washington could scarcely have refused to put all to the hazard of a pitched battle. Forced to make a final stand in front of their capital, the Continental army would probably have shared its fate, and Congress itself might have found escape impossible. As it was, Washington occupied without opposition a strong position on the Brandywine.

His first attempt was an attack upon the wing commanded by Lord Cornwallis, encumbered as it was by the charge of the whole baggage train. But Washington's lieutenants were neither able nor obedient, his troops were not sufficiently disciplined to manœuvre steadily in masses and in presence of the enemy, and his offensive operations on the large scale were seldom successful. General Sullivan, charged with the management of the first attack on the British left, misunderstood or disobeyed his orders; the movement failed, and the Americans were thrown on the defensive—the situation best

suited to inferior troops. But Sullivan's division fled as soon as the British approached them. The next two divisions—those of General Stephens and the so-called Lord Stirling—were steady enough to ply the advancing enemy with a heavy fire of artillery and musketry, which could not be effectively returned. But Stephens failed as Generals not trained in soldiership are liable to fail; and before the bayonet charge of the Hessians and British Grenadiers the two Northern divisions gave way at once. Sullivan and Lafayette did their best to rally them, but in vain. The 3rd Virginian regiment, stationed in a wood, held out till both its flanks were turned and one third of its number killed or wounded. This stand enabled Washington to bring up a large force in support and take up a strong position to cover the rout. The American left wing, strongly entrenched, maintained their position against a front attack, but as soon as threatened in flank, retreated before an enemy not strong enough to follow up his success. Nightfall, the want of cavalry, and the extreme fatigue of the victors prevented a pursuit which might have crushed the insurgent army. The British lost more than five hundred men, the Americans about double that number. The Battle of the Brandywine was fought on September 10.

On the night of the 18th, Congress, terrified by a false alarm, fled to Lancaster. Two nights later, Wayne, one of the best divisional commanders in the Continental army, just after writing a boastful promise to surprise and give the enemy a fatal blow, was himself surprised and his division ignominiously routed, with the loss of three hundred prisoners, by three British regiments. This defeat opened the way to Philadelphia, and on the 25th Cornwallis, with a small portion of the British army, occupied the American capital.

Washington made an attempt to retrieve and avenge this signal humiliation. The British forces were scattered, and their largest body, occupying the village of Germanstown, was practically isolated. A vigorous and successful attack might well prove the total ruin of a force so loosely distributed that, while it could hardly be concentrated for defence, the defeat

of one wing would expose the rest to be attacked in detail by overwhelming numbers. A battalion of light infantry, forming Howe's furthest outpost, was surprised by the American advance. They made a gallant resistance, but, attacked by two whole divisions, were driven to retreat in confusion. Howe, springing from his bed, attempted to rally them; but a tremendous fire of grape at close quarters showed that what he had mistaken for a raid or reconnaissance was an attack in force. Six companies kept the whole American right wing at bay till the rest of the army had time to form in order of battle. The force under Washington's immediate command advanced slowly, wasting their ammunition by an incessant fire on every house and hedge where they saw or imagined an enemy. Greene, commanding the American left, had to struggle through marshes, thickets, and fences. Obstacles that would scarcely have embarrassed well-trained troops, though as new to war as those which won the Alma, were fatal to the ill-disciplined Continentals. After some fifteen minutes' firing, without ever coming to close quarters, the Americans were repulsed, and the regiment which had advanced furthest was cut off and captured. The sound of their own cannon from an unexpected quarter threw the whole force into confusion. One division had expended its ammunition by firing at nothing; others had mistaken one another for British; and Washington, seeing that the day was lost, exerted himself to the utmost to prevent the retreat becoming a rout. Complete as was the defeat, the fact that no guns fell into the hands of the victors testified to the skill and conduct of the beaten General.

The Americans still held strongly entrenched positions which, coupled with the obstacles that blocked its course, closed the river to the British fleet. A joint attack by land and water upon Red Bank, the most important of those entrenchments, pressed with the utmost gallantry by Donop with five or six Hessian battalions, was met by a terrific fire of grape and musketry from a concealed gallery. The assailants, moreover, were raked on either flank by a volley of

chain shot from galleys entirely beyond their reach. Throughout the whole war the Americans never attempted an attack half so brilliant and desperate. But the indomitable courage of the Hessians only aggravated their loss. The commander, with the whole of his staff and more than half the officers of the five battalions, were killed or wounded. The men who had crowned the glacis, filled the ditch, and reached the parapet were hurled down with ease by the musket-butts and bayonets of the defenders. A British sixty-four and frigate grounded in their withdrawal down the river, and were fired by the American batteries or by their own crews, the victors securing as their sole trophies two 24-pounder guns. A disaster which might have been fatal to the spirit and discipline of inferior troops was but a slight check to the resolute soldiery under Howe's command. Even their heavy loss of officers failed to impair the firmness and courage of the steadfast Hessian mercenaries. Howe was only driven to slower and surer operations. After a stubborn defence, the outposts of Red Bank and the fort itself were evacuated. The British had firm possession of Philadelphia; and the population of Eastern Pennsylvania took courage to manifest its rooted aversion to the insurgent cause.

The fate of America hung on the Pennsylvanian campaign. The British army was, even in numbers, much more in quality, superior to that of Washington. Almost any other General than Howe, whose military sloth was almost as remarkable as his personal courage, would probably have forced the Americans to an engagement, defeated them, pressed on their retreat, and scattered if not annihilated them. Meantime Gates at Albany still commanded more than ten thousand men, a number superior to the whole British forces north of the Susquehanna. Saratoga had paralysed Clinton; the garrison of Rhode Island was insufficient for any offensive movement; and Gates had no mind to involve himself with either. Washington urgently demanded reinforcements. At the instigation of the Adamses, who were already eagerly intriguing to supersede the Commander-in-Chief, Congress supported Gates's refusal.

Washington was expressly forbidden to recall any considerable proportion of the armed idlers at Albany, and John Adams would fain have deprived him of all control over the Northern army.

The mischievous meddling of the fugitive incapables now assembled at Yorktown in Virginia could hardly have been more signally demonstrated. Even a civilian who had enjoyed John Adams's experience of military administration might have seen that the preservation of the Southern army, the surprise of Trenton and Princeton, the recovery of New Jersey, the successful withdrawal from before Philadelphia after two defeats in the field, and the arrest of Howe's offensive movements, afforded far higher evidence of military capacity than the capture of the miserable remnant of Burgoyne's army by nearly fourfold numbers. Ever more careful of New England than of America,¹ dreading the ascendancy of Washington only less than the victory of the British, those who had plunged the country into war for local or personal interests constantly sacrificed to those interests the welfare of the army and the safety of the cause. The removal of John Adams, under the honourable guise of an appointment as extra Commissioner at Paris, withdrew the only man capable of leading an avowed opposition to Washington. The recent victories, the flight of Congress, and the occupation of the insurgent capital had completely re-established the prestige of the British arms and disheartened the Americans.

But Philadelphia, invaluable as a trophy, was, unless used as a base of operations, a worse encumbrance than Boston, locking up an army twice as large as Gage's. Considering the quality and condition of his troops, the want of support and

¹ 'What is the spirit that has in general characterised the proceedings of Congress? A perusal of their journals as well as the candid acknowledgments of such as have had a seat in that assembly, will inform us that the members have but too frequently displayed the character, rather of partisans of their respective states than of impartial guardians of a common interest; and where, on one occasion, improper sacrifices have been made of local considerations to the aggrandisement of the federal government, the great interests of the nation have suffered on a hundred, from an undue attention to the local prejudices, interests, and views of the particular states.'—*Federalist*.

perverse meddling he had to endure, the skill with which Washington contrived to contain a British force of nearly seventeen thousand men was perhaps the greatest proof of strategic ability and military judgment afforded by his whole career. Retiring up the Schuylkill to Valley Forge, some twenty miles from the city, he huddled and entrenched his army for the winter. Congress reproached him for going into winter quarters, and provoked, perhaps, the sharpest retort he ever wrote. 'I can assure those gentlemen that it is a much easier and less distressing thing to draw remonstrances in a comfortable room, by a good fireside, than to occupy a cold bleak hill-slope, under frost and snow, without clothes or blankets;' and he reminded the demagogues of New England that their soldiers were not 'made of stocks or stones.' He was only able to feed and clothe his men by levying contributions on the country, a practice sure, as he said, to ruin the fortunes of the inhabitants and the discipline of the troops.

* Meanwhile Congress was issuing more and more worthless paper for the payment of the soldiery, and was only induced after months of sullen contention to promise to officers who should serve to the end of the war half-pay for seven years, to privates, on the same condition, a prospective gratuity of *eighty dollars*. They were as chary of their promises as if the addition of a few millions to those already afloat could matter. Between the jealousy of Congress and the reluctance of the people, regulars enlisted for the war were hardly to be had. Requisitions addressed to the several States obtained from some of them considerable drafts of militia, ill-trained, ill-officered, and only engaged to serve for nine months. The staff of the army was organised by a committee of Congress, despatched to the camp for that purpose, in total disregard of the proper authority and earnest objections of Washington. The arrangement was marked by wholesale jobbery, especially in the important department of the Quartermaster-General. Greene, now placed at the head of that branch, entered into a secret partnership with a Congressional favourite who controlled the commissariat, and a civilian in whose name their

lucrative transactions were conducted. The office of Inspector-General was bestowed on Steuben, a German veteran whose admirable qualifications were much impaired by his ignorance of English. He drilled the men in person with admirable diligence, and swore at them with indefatigable zeal, through the mouth of an interpreter.

CHAPTER XIX.

EUROPE TO THE RESCUE.

The French Alliance—Whig Disaffection—Protest and Death of Chatham—American Lukewarmness—Evacuation of Philadelphia—Rebel Outrages and Loyalist Reprisals—Spanish Alliance—Baltic Neutrality—War with Holland—British Victories.

So opened the year 1778, amid ominous symptoms of impending disgrace and disaster for the Americans. But on February 6 they achieved an advantage which contributed more to their success than the resolutions of Congress, the noisy patriotism of New England, the courage and steadfastness of the soldiers from Maryland and Virginia, or even the skill of Washington. On that day Louis XVI. was persuaded—against his principles, his conscience, his interest, and his honour—to sign a secret treaty of amity, commerce, and defensive alliance with the ‘United States;’ the first and longest step on that road which brought his government to ruin, his country to revolution, his family to misery unspeakable, himself and the young Queen, who had thrown her influence into the American scale, to the scaffold. On March 13 the French Ambassador in England coolly informed the Secretary of State that the so-called United States of North America were ‘in full possession of independence’—inasmuch as they had declared it—and that the King of France had taken measures in concert with this newly invented Power ‘to protect the lawful commerce of his subjects,’ to wit, their contraband trade in arms, ammunition, and military supplies with the revolted Colonies. An impertinence worthy of the Carmagnôles of Barrère or Napoleon had the effect without the dignity of a declaration of war.

Now that England was directly confronted, not by discontented subjects but by revolted provinces allied with her inveterate foreign foe, Lord North thought it possible to appeal to the patriotic pride and personal loyalty of Lord Chatham. The altered character of the war afforded the latter an opportunity, without flagrant inconsistency, to rally around him the patriotism, the Parliamentary and administrative talents of all parties; a chance to repeat the glories of his first administration. Half the energy and ability that had conquered the Canadas might have recovered the rebel provinces, or found in the Colonial possessions of France and Holland a dozen richer and more docile New Englands, and carved a score of Virginias from the decaying empire of Spain. But the King, though willing to admit Lord Chatham to the Cabinet, refused to place himself unreservedly in the hands of one whose judgment and temper had so grievously failed him of late; and the event proved that the attempt would have culminated yet more rapidly than the experiment of 1765 in the same disastrous issue—a Chatham Cabinet without Lord Chatham.

On August 7 the Duke of Richmond stood forth as the spokesman of the Fox-Rockingham Whigs—a party whose fate or choice it ever was to champion the cause of their country's enemy;¹ the friends of Robespierre as of Washington, of Napoleon as of Robespierre. He called on the House of Lords to urge the King to recognise the independence of the Colonies, while as yet the Colonies had done nothing to achieve it; while—save for Saratoga—they had sustained a series of defeats in the open field, while their two chief towns were securely held by royal garrisons; to recognise a powerless Government, with a bankrupt exchequer and a worthless

¹ 'Fox—to whom, in reading history, the defeats of armies of invaders, from Xerxes' time downwards, gave the greatest satisfaction—heard of the capitulation of Yorktown with wild delight.'—*Bancroft*, vi. p. 480.

² The next day Edmund Burke wrote to Franklin: "I congratulate you as the friend of America; I trust not as the enemy of England; I am sure as the friend of mankind. The resolution of the House of Commons, carried in a very full house, was, I think, the opinion of the whole. I trust it will lead to a speedy peace between the two branches of the English nation."—*Ib.* p. 434.

paper currency. In a word, he bade England resign her Colonial Empire to the first challenge of France, the mere menace of an enemy whom, fifteen years ago, she had conquered at once in Europe, Asia, and America. England was to strike her flag at the first shot; to yield at once all that the hostility of France, Spain, and Holland, the ill-will of collective Europe, and the utmost efforts of America could extort after four more years of exhausting struggle against overwhelming odds after the capture of her best general and finest army.

Chatham heard the proposal with an indignation and contempt worthy of his better days; worthy of one whose glory had been so closely associated with that of his country, that his personal fame could not but be tarnished by the reflection of her disgrace. The last scene of his life recalled to his hearers at once what the worn-out veteran had once been, and by what visitation of God he had fallen so far. The spirit that had rescued England in the hour of extremity, had defied the banded forces of half Europe and humbled to the dust the allied branches of the House of Bourbon, was there; the faltering voice, the failing memory, the broken thread of the speech, the half-intelligible argument lit up here and there by flashes of the old fiery eloquence, reminded the Peers *why* Chatham was but the wreck or the shadow of Pitt. The Duke replied. Chatham rose to *rejoice*, and fell speechless and senseless into the arms of the son who was presently to rival his father's fame. 'Nothing,' certainly, 'in his' later 'life, became him like the leaving it.'

Lord North was alarmed, irresolute, and half-hearted. Lord George Germaine, an embittered and disappointed man, long withdrawn from service, had no qualification for his great place but fiery zeal and indomitable resolve. Still the Government, weak as it was, was hardly weaker than that under whose auspices the war with Napoleon was brought to a glorious close. But Lord North had not the fortune to find or the discernment to promote a Nelson or a Wellington.

Except in the darkest days of the Napoleonic war, England

had never to contend against a coalition so formidable. George III. and Lord North were confronted by the declared enmity of France and America, the scarcely concealed hostility of Spain, the spite of Holland, the malevolence of Russia, Denmark, and Sweden, and the malignant ingratitude of Frederick II., who owed his existence, as king, his final triumph as warrior, to English protection. Their hostility was all the more dangerous that it was founded on no zeal for 'freedom and humanity,' no faith in the 'divine right' of insurrection, no regard for their unnatural allies, but on inveterate and vindictive hatred of England. American writers have not scrupled to affirm, like the Ambassador of Louis XVI., that the independence of the United States was already practically achieved. The ingenious vanity of France has seldom more thoroughly travestied the plainest facts of history. Far other was the opinion of contemporary Generals, especially of Washington, whose tone was that of disgust and despondency, if not of actual despair.

The spirit of Adams still ruled the intrigues of Congress, the behaviour of its favourite Generals, and the conduct of New England. Her militia, however energetic and successful in ambuscades and surprises, behind the cover of forests or entrenchments, had in scarcely a single instance behaved well on an equal field of battle. Taken, so to speak, at random, they were to picked troops like those at Trenton, to Virginian volunteers or enlisted regulars, what conscripts are to *corps d'élite*. So ineffectual was the zeal of Massachusetts and Connecticut, so divided the feelings of New York and Pennsylvania, of Georgia and the Carolinas, that a population of two millions and a half² never maintained fifty thousand men in the field. We have seen six millions of whites raise and maintain an army of between three and four hundred thousand men. Had the cause of Independence been as popular as that of Secession, had the martial spirit and patriotic fervour of the revolted Colonies approached that of the Confederate States

² So Bancroft and other authorities. The census of 1800 would lead one to set the population of 1775 at not less than three millions. ●

an army of one hundred and twenty thousand would have mustered under the flag with the thirteen stripes and the characteristic rattle-snake, the original standard of America.*

The English Government did not pretend to conceal its consciousness that the intervention of France had materially altered the situation. An offer of complete redress of all the grievances originally alleged, coupled with representation in Parliament, and even with permission to exclude the royal troops from any Colony objecting to their presence, was communicated to and scornfully rejected by Congress, whose debates were more fruitful of defiant resolutions than of preparation to make them good. American writers allow that the French alliance had relaxed the spirit of the people and the energies of their rulers. Meanwhile, in spite of this preliminary rebuff, Lord North despatched a regular mission to the insurgent Government, invested, virtually if not formally, with authority to negotiate on almost any terms short of separation. A contumelious refusal to accept anything but an absolute surrender on the part of England reflected the confidence of Congress in its new ally rather than a resolute self-reliance, and wholly misrepresented the true feeling of the Colonies at large.*

Down to the end of May 1778, the only important exploit of the main Continental army was the rapid evasion of Lafayette, with a corps of observation, from a British attack.

Sir William Howe had been recalled, and on the 24th resigned the command to Sir Henry Clinton. A splendid soldier, a scientific officer, a most popular chief, Howe's military qualities had been annulled by an inexplicable slowness of movement rather than by over-caution in the field; by sloth and inertness when the initiative was his, and prompt, persistent, vigorous action promised the greatest results.

Wild as are the vaunts and misrepresentations of American historians, no incident of the war has been more laughably travestied than Clinton's first movement—one in which his

* The serpent was suggested by an effective emblem of the earlier agitation, a snake cut in pieces, with the motto, 'Join or die.'

own judgment accorded with orders from home. A step taken at leisure, in cool contempt of an enemy who had not dared to molest him, and carried out with tranquil ease, is described, with puerile vanity, as 'a flight,' a humiliation, 'a disgrace to the British arms.' Philadelphia had been held too long; it was abandoned because, as soldiers on either side well understood, it was a mere encumbrance. Washington had skilfully closed the routes by which an army, with the city for its base, might have operated with effect against Maryland and the interior of Pennsylvania. New Jersey was always at the mercy of the British, who commanded its northern and southern extremities. Admiral Lord Howe was preparing to challenge the approaching fleet of France, with that true British confidence in victory, even against odds, which naval history so amply justifies. The 'flying army,' encumbered by a vast train of baggage and artillery, moved northward at its leisure, repulsing the only attack ventured by the enemy; and the 'wreck of Clinton's army' entered New York without losing a gun or a wagon, in utter unconsciousness of its misfortunes—an unconsciousness shared by Washington himself. The only 'fugitives' were three thousand of the principal citizens of Pennsylvania; and the only 'disgrace' attaching to their flight falls on the Government, the army, and the commander from whose vengeance royalists were compelled to escape at the cost of utter ruin, while non-combatant rebels enjoyed perfect security under the British flag.

The first act of signal retaliation, far as it fell short of American precedents, has been made the theme of absurd declamation in prose and verse. On June 30 a force of outraged royalists and Iroquois, under the command of the famous partisan Brant, fell upon Wyoming, one of the fairest settlements in western Connecticut. Two of the four forts which protected the place capitulated with characteristic haste. It was a characteristic weakness of the Continental soldiery to yield the strongest fortresses when attacked by a superior force, as if fortresses were built for any other purpose than to be held against numerical odds. Two forts still remained, and

all that was required of the citizens of Wyoming was to make them good for a few days against twofold numbers. Want of courage was not the fault of men who surrendered fortifications, which gave them an inestimable advantage over guerrillas and savages, and then went out to give battle on ground almost equally advantageous to an enemy familiar with the arts of forest warfare. The latter took up their position in an open wood, and in half-an-hour the American force was annihilated. The victors lost but ten killed and wounded. On the next day the remaining forts capitulated. The women and children they sheltered, with the few remaining men of the settlement, were permitted to retire. The Indians spread over the surrounding country, burning and destroying.

Meanwhile the authorities of Pennsylvania and New Jersey were taking measures calculated to enforce the sharpest reprisals. They seized and brought to trial for treason the leading royalists who had remained in their homes. The prompt intervention of Livingstone, Governor of New Jersey, saved the lives of seventeen victims condemned by the courts of that Province, and of those upon whom Clinton would have been compelled to avenge the murder of men he was bound to protect. Two men accused of having conducted an English party to a night attack were murdered in due form at Philadelphia.

A powerful French fleet under the Count D'Estaing kept the sea without attempting a decisive engagement, which Lord Howe, having to regard the safety of the army, did not choose to force. After an ineffective attempt upon Rhode Island, supported by an American land force, and five months' inaction at sea, the French Admiral took refuge in a shattered condition, in want of water and provisions, in the harbour of Boston. Nothing worth mention was achieved or attempted on either side during the remainder of the year.

Without clothing or provisions, paid irregularly in paper of constantly declining value, issued in quantities that rendered its redemption obviously hopeless and now worth at most fifteen or twenty cents in the dollar, the Continental soldiery

were on the verge of despair. But for the loans and gifts of France—which, limited as they were, represented a much more substantial contribution to the expenses of the war than the sixty millions of Congressional paper—the American army would probably have disbanded for sheer want of provisions, clothes, and military necessities.

Early in 1779 Spain was dragged into the alliance by lavish promises which France made no serious effort to fulfil. The latter pledged herself to invade Great Britain or Ireland, to recover Gibraltar, to drive the British from Newfoundland and share its fisheries with Spain alone, to regain for her ally Minorca, Pensacola and Mobile, the Bay of Honduras, and the coast of Campeachy. The Americans, in despite of *their* treaty with France, were to be deprived of the navigation of the Mississippi and of the territory between that river and the Alleghanies. Should Canada be reconquered, France and Spain were to compel the United States to resign all claims thereto. The terms of this secret engagement of course oozed out, and greatly irritated the Americans. Angry debates in Congress and tedious diplomatic squabbles ended in a counter-arrangement, and France at last stood pledged to each of her allies to cheat the other for the common benefit. Had the bear been killed, the disposal of his skin would certainly have issued in a signal diplomatic scandal; that Spain would have been a gainer by the transaction only Spanish statesmanship could seriously suppose.

The alliance with the inveterate enemies of England, the savage maltreatment of the royalists, and their natural desire of revenge gave the war a new and deplorable character. British forces, already insufficient for decisive operations, were dispersed in expeditions which, even when justified by the law of retaliation, were purposeless and cruel. Virginia was one of the first and heaviest sufferers. Two of her seaports were burned, the neighbouring country laid waste, a hundred vessels destroyed, and 3,000 hogsheads of captured tobacco rejoiced the British garrison of New York. The legislature, which had already forbidden the payment of debts to British

subjects, now confiscated their property within the Commonwealth. Another expedition plundered New Haven and burned, very properly, the vessels in the harbour, and the public stores. The Americans in their turn ravaged the territory of the Senecas, who had borne the chief part in the destruction of Wyoming, and stormed one or two British outposts, taking great credit for the exploit and still more for forbearing to massacre the captured garrisons. In June a powerful American expedition—a flotilla carrying 300 guns and 1,000 men—attacked an insignificant post on Penobscot Bay. The landmen would not assault the works; the Commodore made no use of his overwhelming naval force. The place held out for a month, and while reinforcements were on their way to strengthen commanders who wanted not numbers but conduct and courage, the arrival of a British squadron scattered the besiegers to the winds. The whole flotilla was destroyed, and the Continental troops driven into the woods.

• An enormous French and Spanish fleet was collected in the British Channel, an army gathered on the coasts of Normandy and Brittany, with no other result than an ignominious retreat and a bitter quarrel between the allies. The Powers of the Baltic had concerted, as usual, what they called an Armed Neutrality; an attempt to extort from Great Britain the surrender of her belligerent rights and uninterrupted commerce with her enemies, especially in military and naval stores. But the maritime impotence of Russia and the prudence of the Scandinavian States rendered this, like more than one other combination of the kind, little more than a formidable menace, an opportune exhibition of ill-will. Holland had long been halting between her pacific interests and her maritime jealousy, between the English proclivities of the House of Orange and that servility to France which, ever since the insults of Louis XIV. had been answered by abject submission and cringing apologies, was the traditional policy of the mercantile oligarchy and of the great city of Amsterdam. The Bourbon alliance and the Baltic league turned the scale. Paul Jones, the first naval hero of America, a born Scot who

made his fame and fortune by plundering the ships and insulting the shores of his country, was permitted to carry his prizes into Dutch ports.

In the last days of 1779 the Dutch Government despatched seventeen merchant vessels laden with naval stores for hostile ports, under the convoy of five ships of war. Such an attempt to defy the right of search recognised by the public law of all maritime nations was of itself almost an act of war. The Commander of the British squadron in the Channel, thus challenged, announced his determination to exercise his right by force. The Dutch Admiral, probably constrained by his orders, fired upon the British boats. His squadron was of course overpowered; his ships of war and twelve of his convoy escaped under cover of darkness into French ports. The flagship and five merchant vessels were carried captive into Portsmouth. The Dutch reclamations were treated with the contempt they deserved. A long negotiation followed, in the course of which an American envoy—Laurens—was captured at sea with the draft of a treaty irregularly proffered on behalf of the States-General in his possession. The spirit and intentions of the Dutch Government had been further demonstrated by its accession to the Armed Neutrality. The evidence of hostility thus morally complete, England struck promptly and heavily; and the irresolution or bad faith of the Republic cost her the island of St. Eustatius, with an enormous accumulation of merchandise chiefly meant for the contraband trade, the temporary ruin of her commerce, and the forfeiture of a large part of her transmarine possessions.

Indecisive operations in Georgia and the Carolinas were crowned on December 29, 1778, by an attack on Savannah. Its American garrison were driven into a disorderly and precipitate retreat, and with a loss of twenty-four killed and wounded the British gained the one important city of Georgia, 453 prisoners, 48 guns, and large military magazines. Before the end of January the whole province was reduced.

In February 1779 a body of royalists were attacked and defeated by the republicans of South Carolina. The insurgents,

in defiance of all law, brought seventy of their prisoners to trial for treason and executed five. Here, as everywhere else, the first and worst excesses of hate and vengeance were committed by the insurgents. A murder like this justified any reprisals the royal commanders might choose to enforce, and puts the American writers who inveigh against the subsequent execution of deserters by Lord Cornwallis and Lord Rawdon out of court, even where they establish in individual cases a transgression of the strict rules of war.

General Lincoln, whom Congress entrusted with the command of their southern army, was inexperienced and incapable. He was outmanœuvred and beaten. Georgia and South Carolina were swept by the British; and the troops were indulged in a degree of licence doubly impolitic, as impairing their discipline and tending to alienate the inhabitants.

CHAPTER XX.

THE SOUTHERN CAMPAIGNS: 1779-80.

French and Americans repulsed from Savannah—Capitulation of Charleston—Appointment of Gates—Half his Men run away—Complete Defeat of the Americans—Massacre of King's Mountain.

D'ESTAING meanwhile, pursuing the separate interests of France in the West Indies, was ignominiously repulsed with a tremendous loss by the small British force which had just seized the island of Santa Lucia; and, alarmed by the neighbourhood of a British fleet said to be a little stronger than his own, lay inactive for six months in the harbour of Port Royal, leaving his allies of the Southern Colonies to their fate. At last, in September 1779, the complaints of the Americans, the impatience of his officers, and perhaps the fear of an ignominious recall, compelled him to action. A fleet of thirty-three sail, a large French land force, and the whole strength of the American army of the South were brought to bear upon the scanty British garrison of Savannah. From September 16 to October 8 the naval and military forces of the Allies were kept at bay by the improvised entrenchments and their undaunted defenders. On the 9th the besiegers delivered a concerted attack with overwhelming numbers. D'Estaing, whose personal bravery signally contrasted his timidity as a commander, was severely wounded. The assaulting columns, mismanaged and ill-conducted, thinned by the steady and well-directed fire of the garrison, lost heart and confidence in their commanders. When at last they were brought up to the foot of the ramparts, and confronted with an enemy whose utterly inadequate numbers must have been annihilated by a determined attack at the bayonet's point, they were demoralised by

their heavy losses, and by that sense of having been sacrificed to the ignorance and blunders of their chiefs which is generally fatal to discipline. The leaders, French and American, mounted the ramparts and planted their flags upon the parapet in vain. Their men would not follow; they were shot down or bayoneted, and after an hour's fighting the assailants were rather routed than repulsed. This splendid victory over enormous odds was achieved at trifling cost of life. The Allies lost more than 800, among them some of their best officers.

In the following spring the siege of Charleston afforded a signal contrast. It is not easy to reconcile the assurance that Lincoln was induced to defend an untenable position by the entreaties of the citizens, with the statement that he was baffled by their general disaffection. Clinton left New York for Charleston with some 8,000 men, a force considerably weakened by a storm which scattered the fleet, and in which several transports were lost. They appeared off Charleston on February 26, 1780. A Continental squadron, carrying 150 guns, at once abandoned the defence of the harbour, which no British vessel entered for more than a month afterwards. The North Carolinian militia, whose term of service had expired, deserted in her extremity the capital of the sister province. Lincoln, however, gathered within the city the whole available forces of the three southern Colonies, together with 700 Virginian veterans. Clinton, reinforced by 3,000 men from New York, under Lords Cornwallis and Rawdon, pushed on his approaches with caution, and by the end of April had completely invested the city.

On May 12, without awaiting an assault, Lincoln surrendered a garrison infinitely stronger in proportion to the besiegers than that which had repulsed from Savannah the combined forces of France and America. With a generosity which, after the lesson of Saratoga, seems hardly warranted, Clinton permitted the militia to return to their homes as prisoners on parole. The Continental regulars and sailors became prisoners of war, and the number of captives reported

by the English General was no fewer than 5,000.¹ With the surrender of the capital the insurgent cause in South Carolina fell to pieces. A body of Virginians who had come too late to enter the city were overtaken by Tarleton with a somewhat superior force, and cut to pieces.

Imitating, though at a humble distance, the precedents set by Washington and other American Governors and Generals, Clinton ordered that all the inhabitants of the province, on pain of being treated as rebels—that is, as enemies—should formally enrol themselves as British subjects. The great majority accepted his protection, and not a few enlisted in the militia regiments raised by royal authority. Cornwallis, with some 5,000 men, was left to keep possession of the province. Marion, Sumter, and other guerrilla leaders maintained a show of resistance in the interior; and their exploits, as usual, gave a character of savage exasperation to the war.

Congress, disregarding the opinion of Washington, appointed Gates to the independent command of the Southern department, with larger powers than had hitherto been conferred on the Commander-in-Chief. The language of the new General was as dignified, his first measures as prudent and becoming, as those of Washington himself. He recalled the whole of the insurgent forces south of the Chesapeake to his standard, and mustered an army much larger than that of Cornwallis. On the news of his approach a number of the Carolinians in the British service deserted, and one scoundrel carried over his recently armed battalion to the enemy.² On August 16 the advanced guard of the Americans came into

¹ Mr. Bancroft ventures, without authority, to accuse Clinton of the unsoldierly falsehood of multiplying the number of prisoners by including the whole population of Charleston, royalist and rebel. It will be needless in future to quote or refute the allegations and invectives of an experienced diplomatist and historian, who never learned that British officers and gentlemen of station and repute like Clinton's do not lie.

² Such were the offenders for whose execution American writers denounce Lord Cornwallis and his successors in command, and whose punishment is pleaded as an excuse for the execution in cold blood of enlisted soldiers of the royal army, regulars or irregulars.

collision with that of Cornwallis not far from Camden. The former were easily and completely routed. Gates, too experienced a soldier to rely implicitly on numbers against discipline, but loth to take on himself the damaging responsibility of retreat, submitted the question to a council of war; and by their unanimous advice drew up his forces in line of battle. The first American brigade attacked retired with such skill and rapidity that they lost nothing but their arms and their honour. The next division followed the example, and two-thirds of Gates's whole army disappeared without firing a shot. The deserted troops of Maryland and Delaware stood fast under Kalb—one of the many excellent foreign officers to whose skill, discipline, and conduct America was deeply indebted—till overpowered by an attack in flank.³

This partial but stubborn fight cost the British about 500 men. The whole American army was utterly dispersed, with the loss of their artillery, their baggage, and the rifles of several regiments. Kalb's division left two-thirds of their number on the field; of the rest of the army hundreds were 'missing,' but scarcely a man killed or wounded.

The largest American force now remaining in the Carolinas was that of Sumter, powerful enough to encourage American officers in the hope of a turn of fortune. But a few days later Tarleton, the most brilliant partisan leader in the British army, with a small force, surprised and routed them, taking two or three hundred prisoners; and Sumter, the hope of the Southern Colonies, galloped into Charlotte without hat or saddle. Still Marion, Williams, and other guerrillas, kept the province in confusion, and furnished a rallying point for the more resolute of the disaffected party.

In September 1780, Cornwallis, who had been reinforced by some 3,000 men from Clinton's command at New York, passed into North Carolina; Ferguson, the Marion of the royalists, moving on his left. The latter was surprised at King's Mountain by a picked body of guerrillas, and after a

³ The troops from these states, and from Virginia, presented an honourable contrast to the general quality and conduct of the Americans.

stubborn fight, in which more than a third of their number were killed or severely wounded, the royalists, surrounded, overpowered, and disheartened by the loss of their daring chief, laid down their arms. Of some 650 captives a number were hanged in cold blood, on the next morning, under the eyes of the American commander. It was impossible for Cornwallis to abandon the royalists of South Carolina to the mercy of such an enemy. He fell back, suffering terribly from want of tents, fodder, and provisions, amid continuous rain. Marion, while surprising pickets and escorts, kept clear of any encounter with the regulars. Sumter partially retrieved his honour by repulsing a rash attack of Tarleton's upon a vastly superior force, entrenched on a steep hill side.

At the close of 1780, South Carolina was held in force by the British ; but everywhere beyond reach of their posts a savage partisan warfare was waged between the royalists and insurgents, causing infinite misery and intense mutual exasperation, but little affecting the position of the combatants or the chances of the campaign.

• CHAPTER XXI.

ARNOLD'S TREASON AND ANDRÉ'S MURDER.

Washington's Fortune—Arnold's Grievances—Intended Betrayal of the Hudson—André's Landing, Detention, and Betrayal—His Disguise forced on him—Washington's Savage and Vindictive Spirit—Unfairness of the Trial—Washington's Attempts to purchase or kidnap Arnold—André a Victim of his Revenge.

THE first months of 1780 had witnessed nothing but indecisive and resultless engagements in New York and New Jersey. But on July 10 the effective military strength, though by no means the number, of Washington's army was more than doubled by the landing of 6,000 French regulars under Count de Rochambeau, one of the best officers in the service of Louis XVI. This reinforcement, far superior in value to twelve thousand of the best Continental troops, was placed absolutely under the command of Washington, and both in numbers and effective force the latter was now superior to Clinton, who had resumed the command at New York.

The autumn afforded a signal instance of that good fortune, less brilliant but far more constant than that of most 'fortunate' Generals, which attended Washington's whole military career; strikingly evinced in the absence of those disastrous accidents which skill superior and vigilance equal to his can never wholly forefend, of those adverse chances which ventures so hazardous, enterprises staking all upon their absence, may be said to invite, and which he alone so often provoked and never encountered. On this occasion a series of accidents saved him from the explosion of a mine which, even if it missed its aim, seemed almost sure to shatter his credit and authority; to leave him at the mercy of those who sought only a pretext and an opportunity to disgrace him. His narrow escape put his temper, his justice, his sense of honour to the

test, and left on his reputation the one black stain which devoted adherents, enthusiastic biographers, party historians, and an idolising nation have recognised by misrepresentation, special pleading, and evasion, for which no other part of Washington's career affords occasion. The vehemence of such endeavours to efface it have only rooted it in historical memory and brought it into sharper relief.

General Arnold, whose merit Washington fully appreciated, but was not allowed adequately to employ or reward, had incurred, partly by martial faults of temper and pecuniary recklessness, partly by loyalty to his chief, the bitter animosity and unsparing persecution of the Congressional intriguers. The disparagement of subsequent writers, the diligent calumnies of contemporary politicians, are sufficiently refuted by the verdict of a Court-martial which, summoned at the instance of his enemies in order to effect his ruin, acquitted him of all charges that gravely touched his honour or integrity. The very incompleteness of the acquittal elicited fresh evidence in Arnold's favour. The Court felt that the heaviest penalty they could venture to inflict was a reprimand; and in administering that reprimand, the language of the Commander-in-Chief carefully marked, as far as the forms of discipline allowed, his undiminished respect for the accused.

Up to this point, in spirit, in skill, in gallantry and good service, Arnold had no superior and scarcely an equal among those whom intrigue and political interest had again and again promoted over his head. As he alleged, truly if not truthfully, the alliance with France, the inveterate foe of the Colonies not less than of the mother country, had entirely altered the character of the war and the position of those—a majority of the insurgents outside New England—who had taken up arms to enforce redress of grievances, without apprehending or intending the separation contemplated from the first by the far-sighted conspirators of Massachusetts. Arnold professed to consider himself thereby absolved from his civil and military allegiance to Congress. A chivalrous gentleman

¹ It is doubtful whether this were more than an excuse of afterthought.

and soldier might have found reason to resign his commission in the American service, but while he retained it would have felt that nothing could release the obligations it entailed. Unhappily, Arnold belonged to that class of New England officers who, as their chief bears incidental but decisive witness, were not gentlemen.

He had carried on for some time an anonymous correspondence with Clinton, and his letters had been answered in the name of John Anderson by the British Adjutant-General at New York. This officer, Major André, was a universal favourite, a splendid soldier and a gallant gentleman; likely, had he lived, to have outshone in professional fame and military achievements most of the Generals in either contending army. His shrewd and diligent scrutiny speedily satisfied him which, among those who answered to the description of 'an officer of rank and influence in the Continental army,' was his correspondent. And when Arnold obtained the charge of the so-called Highlands of the Hudson, the posts commanding the upward passage of the river of which West Point was the chief, his disguise, already penetrated, was thrown off. No American General had better earned or more thoroughly commanded the trust of his chief, his comrades, and his country. There was little doubt that he could fulfil his offer to betray not West Point alone, but the entire position of the Highlands and its garrisons, into the hands of a British expedition. Clinton, throughout the entire transaction, displayed equal prudence and loyalty. It was his duty to profit by the treason of an enemy: it would have been folly to trust the traitor.

Under cover of certain personal negotiations on behalf of a royalist whose property in New York State had been confiscated by the Americans, Arnold was advised that his correspondent (whose name and rank were known to him) would meet him on board the British sloop *Vulture*, anchored as far up the Hudson as was thought safe, on September 21, 1780. André's instructions, if strictly obeyed, would have exposed him to no peculiar danger; but when forced to choose between

the fulfilment of his mission and the strict construction of his orders, his choice was worthy of the trust reposed in him. The signal daring which Arnold had displayed in every kind of military peril seems now to have failed him. He determined to throw upon André the risk that should have been his own. Instead of venturing on board the *Vulture*, he sent a boat for André, requiring him to land by night amid the woods that covered the western side of the river. The negotiations lasted so long that daylight was approaching, and Arnold feared the suspicion which the sight of a boat again communicating with the *Vulture* in open day might excite. He prevailed on André to remain on shore till the following night, and led him *without his knowledge*² within the American lines.

Soon after daybreak an American battery, conveyed to the nearest point under cover of darkness, opened fire upon the *Vulture* and compelled her to drop further down the river. By ten o'clock in the morning the negotiations were completed. André was furnished with the necessary plans and explanatory papers, which, at Arnold's request, he concealed in his boots. The American General having provided him with a pass in the name of John Anderson—a pseudonym employed for Arnold's security—and desired Smith, the agent who had brought him from the *Vulture*, to put him on board as soon as darkness fell, departed. But when evening arrived, Smith refused to fulfil his instructions and his commander's promise. The *Vulture* had returned to her former perilous post, but André had no other means of rejoining her. He was thus compelled by Americans, in defiance of their pledges and of his own express stipulation, to repass the American lines and return to New York by land. Smith further furnished him with a disguise and persuaded him to adopt it;³

² Till the sentry's challenge made retreat impossible.

³ The fact that he furnished André with a disguise, and pressed him to adopt it, proves beyond question that Smith *was* privy, not perhaps to the character but to the fact of Arnold's treason. In defiance of this evidence, an American court-martial, thirsting for vengeance, found that he was *not* privy to any treasonable intent. There is only one intelligible explanation of Smith's

a fact which would seem to put the complicity or treachery of the former beyond possibility of doubt. It was, then, by an American false to his orders and his promise that André was rather compelled than induced to place himself in a position which, if voluntarily accepted, might have been ambiguous.⁴

Smith accompanied André till they were stopped by an American patrol, who, satisfied by Arnold's passport, warned them against proceeding further, since British guerrillas were scouring the country. Smith, though well aware that the neighbourhood of such a party would contribute to André's safety without in the least degree endangering his own, made it an excuse for detaining André during the night, a step which of itself affords independent and all but decisive proof of treachery.

After reaching the so-called neutral ground, Smith left his companion. Some distance further, having passed ten miles at least beyond the furthest American outpost, a rebel bandit dressed in the uniform of a royalist (and therefore by strict military law himself a spy), sprang upon André. The latter, thus

conduct and of his acquittal; the supposition that he was a double traitor; in short, was acting as a spy in Washington's service, and was accepted and protected as such after the fact, if not before, by the Commander-in-chief. Thus it was by an American officer that André was brought, against his will and in defiance of his stipulations, within the American lines. It was by an agent of Washington's that he was prevented from going legitimately on board the *Vulture*. By an agent of Washington's he was twice detained within the lines. By that agent he was induced to adopt a disguise. Smith was responsible for the disguise, for its necessity, for every incident of the case except the original treachery which brought André within the lines. In every act which was used by Washington to fix on André the technical character of a spy, André was a helpless and unwilling victim of other men's treason, and in the one critical fact of disguise he was the dupe of Washington's own agent—that is, since the principal is responsible for his agent, the dupe of Washington himself. But, even apart from this argument, which rests on Smith's treachery, André was an involuntary offender against the technicalities of military law. Arnold was a traitor; but in assisting, abetting, and rewarding his treason André was only doing his duty. Washington himself did not pretend that, if taken in uniform, André could have been dealt with otherwise than as a prisoner of war.

⁴ These facts are taken from unquestionable American sources; Smith's story in particular from Washington Irving, the biographer and thoroughgoing partisan of his namesake.

deceived, declared himself a British officer, and forbade the party who supported the disguised insurgent to detain him for a moment. The banditti then avowed their character, and, being mere marauders, proceeded to search their prisoner and of course discovered the concealed papers. They carried the captive to Colonel Jameson who commanded a post called North Castle. Jameson recognised the handwriting and the suspicious character of the documents, which he forwarded at once to Washington, then in the neighbourhood; but with singular confusion of mind despatched the prisoner, with a letter explaining what had been done with the papers, to Arnold himself, his immediate superior. A junior officer, Major Talmage, arrived shortly afterwards, and at his instance André was recalled, but with strange inconsistency the letter to Arnold was allowed to reach its destination.

At the next post to which he was conveyed André wrote to Washington, avowing his rank and explaining the manner in which he had been compelled to remain on American ground; in which, 'against my stipulation, my intention, and without my knowledge beforehand, I was conducted within one of your posts. Thus was I betrayed into the vile condition of an enemy within your post.' The former and vital sentence was deliberately disregarded; the latter, obviously wrung from a man of the most sensitive honour, stung by an apparent stain on his reputation into utter recklessness of life, was pressed to the utmost against the prisoner.

Arnold received Jameson's letter when at breakfast with a large party, and immediately awaiting the arrival of the Commander-in-chief. He displayed on his own behalf that steadiness and courage which, if exercised for one whom he was bound to protect at any hazard to himself,⁵ would have

⁵ It was affirmed in an English newspaper, in 1782, that Arnold afterwards offered Clinton to redeem André's life by his own surrender; but that Clinton declined the exchange as dishonourable. The writer called on the officers of Clinton's staff, not to confirm the story, but to deny, if they could, that it was current among them. On this evidence, André's ablest biographer, Mr. Sargent, inclines to believe the story. It appears to me inconsistent with Arnold's con-

enabled André to abide by his instructions and kept him beyond reach of danger. He rose composedly; made an excuse to the party, informed his young wife (the daughter of a loyalist) of the deadly peril in which he stood, left her fainting on the floor, sprang on horseback and rode for his life, reaching the *Vulture* and New York in safety.

Washington had at once discerned the meaning of the papers taken on André's person, and pressed forward in eager hope to surprise the traitor. 'Whom can we trust?' he said. And, indeed, if Arnold were false, what officer of his class could be confidently pronounced true? None had given clearer, nobler, costlier proof of zeal for the Colonial cause. On reaching West Point and discovering Arnold's evasion, Washington's wonted self-command, retained under the bitterest personal provocation and annoyance, gave way to that natural fierceness of temper and bitterness of party spirit often exhibited in his private letters, especially at the expense of the unhappy royalists. His own language and that of officers in his confidence betrayed—if it be not more just to say avowed—an absolute determination that André's life should pay for Arnold's escape. Not only was he stung to the quick by the consciousness that he had been signally outwitted, and that his venial misjudgment of character had exposed him to imminent risk of military disgrace and disaster; but he apprehended, not unnaturally, that the treason and the flight of an officer so long supported by his confidence against the inveterate dislike and distrust of Congress, would afford a terrible advantage to those intriguers who had diligently striven either to drive him to resignation or to find an excuse for his dismissal.

The praise bestowed on him by many American writers for not avenging his disappointment on the traitor's innocent and helpless wife is a significant because wholly unconscious commentary on their testimony to the 'humanity' of the

duct throughout the transaction. I see no proof that the offer was ever made; and if made, I should presume that Arnold relied on its rejection. See Isaac Arnold's *Life of Benedict Arnold*, p. 311 Sargent's *Life of André*, p. 456.

insurgents at large and the faultlessness of their idol. His admirers were amazed that he did not take that brutal revenge on a young and perfectly innocent woman—a mother with her first infant in her arms—of which the rudest French, German, or English soldier would be considered, as matter of course, utterly incapable. If he had too much self-respect and regard for his own fame to stoop to the supreme meanness his abstinence from which is regarded as superhuman virtue, Washington was none the less bent on vengeance upon one equally defenceless. From the very first, his language disclosed his assumption of André's guilt, his determination that, guilty or innocent, the prisoner should die. No officer could thereafter have acquitted André without inflicting a stinging rebuke upon his chief and placing himself in direct and flagrant antagonism to that cold, unforgiving, implacable spirit.⁶ The gallantry, high spirit, frankness, and fearlessness of André won the admiration of every true soldier in the American army with whom he was brought into contact, and it may be hoped that few of them, save under the strong coercion brought to bear by the high official and personal authority of Washington, would have consented to put such a man to an ignominious death.

The nomination of the Court-martial fixes a clear and paramount responsibility upon the Commander-in-chief. Its president was his devoted creature, General Greene, a brave and capable commander, but a man utterly devoid of education, literary or social, a blacksmith till called by the outbreak of war from the forge to the field; necessarily as ignorant as any British private of the distinctions and even of the principles of military law; the last man, moreover, in the American army who would have wished or ventured, by acquitting the prisoner, indirectly to censure the superior who had condemned him by anticipation. Baron Steuben's professional knowledge was neutralised by his practical ignorance

⁶ Writings (Spark's expurgated), vii. 535. Irving's *Life of Washington* [Bohn, p. 1180] instructions of Scammel, Adjutant-General, 'the ignominious death which awaits him.'

of the English language. Lafayette, a gentleman by birth and feeling, had entered the American service as a schoolboy, without a tincture of professional education ; and was so completely devoted to and dominated by Washington that a knowledge equal to Steuben's would hardly have given him the will or the courage to oppose his chief. Of their eleven colleagues perhaps the best known were the self-styled Lord Stirling and the dashing partisan St. Clair. The prosecution was conducted by a skilful Judge-Advocate ; the prisoner was without counsel. No evidence was called. The verdict and sentence of death were founded solely upon André's own confession, which of course no legal adviser would have permitted him to make, which an English court-martial would have stopped at the first word. He had landed under a flag of truce and a pass granted by the American General in command at the place ; but this obvious and conclusive advantage he was adroitly induced to forego.

A trial so conducted before a court composed of competent French or German officers—if such officers would have permitted such unfairness—would not only have been utterly without authority, but would have affixed an indelible stigma on the Commander-in-chief who directed the proceedings, and ordained that a skilful lawyer should be pitted against a chivalric and almost Quixotic soldier, whose high sense of honour forbade him to deny, conceal, or colour a single fact. Washington's panegyrists have strained law and facts to prove that André was technically a spy ; but as if conscious of its damning iniquity, they have slurred or passed over in silence the absence of counsel and the unscrupulous advantage taken of the prisoner's frankness.

Clinton of course remonstrated with passionate indignation against the death-sentence eagerly confirmed by Washington. He proposed that the case should be referred to Rochambeau and Knyphausen, officers of professional authority incomparably superior to Washington's, and, as foreigners, the most impartial arbitrators that could have been chosen from the two armies. A General more careful of

his vengeance than his fame might be technically justified in refusing such a demand. But the proposal suggests the course which another in Washington's place, however wedded to the technicalities of martial law, however jealous of his own position, would certainly have taken. That the verdict of a Court-martial selected by himself would carry not a feather's weight outside of America, that the world would regard him, and justly regard him, as judge and executioner, Washington well knew. The verdict of a joint court of French and American officers—equally under his command—would have protected his character, but would have afforded the prisoner a strong chance of acquittal.

That no such obvious means were taken to secure even a show of impartiality deepens the stain which every step in the transaction has left upon Washington's name. He was reminded that his own spies, of whose guilt there was no question, had been spared at his instance. He neither denied the fact nor the unquestionable inference that he was bound in honour to requite Sir Henry Clinton's generosity. He would not and dared not argue the point. He was too shrewd not to see that neither on technical nor moral grounds could he make out his case. Technically, André was protected by a flag of truce and the passport of the American Major-General in local command. Technically, therefore, he was no spy. Morally, it might be urged that Arnold's treason, known to André, divested him of the character of an American officer, and rendered his protection worthless. But morally, upon the showing of Washington's most thoroughgoing advocates, André was wholly innocent. His passage through the American lines was no voluntary act. He was led through them not only in ignorance, but in violation of his own express stipulation and of Arnold's promise. His disguise was forced upon him; and finally, he was arrested on neutral ground. His was not—as American writers have not shamed to represent it—the case of an ordinary spy, like their own favourite Hale, caught in *flagrante delicto* and hanged of course. Technically, André was

an envoy; morally, he was an involuntary trespasser within the hostile lines. Only by shifting backwards and forwards from technical to moral ground, by denying the technical excuse as morally invalid and straining to the utmost the technical answer to the moral vindication, could even the shadow of a case be made out for a predetermined judicial murder.

American writers plead that Washington acted under a solemn, even had it been mistaken, sense of duty; that he felt himself in conscience bound to take his prisoner's life. Washington himself has supplied a complete and crushing answer to any such plea. He transmitted to Clinton an offer which placed him on a level with Arnold himself. *He would spare André's life if Arnold were betrayed into his hands.*⁷ The infamous proposal was of course instantly and scornfully rejected, and only served to refute absolutely and for ever the 'tyrant's plea of necessity.' So far from being compelled to make a deterrent example by the execution of the alleged 'spy,' Washington was willing to forego that advantage if he could but gratify his army with the spectacle of Arnold's death. In further determining that a soldier and gentleman in every respect at least his equal should die on the gallows, Washington clenched the accumulated proof which placed his

⁷ Again, American writers have endeavoured to slur over Washington's personal responsibility in this transaction. That responsibility, however, is fixed upon him by the most honest and certainly not the least enthusiastic of his apologists. The offer was made, in the first place, by General Greene, as the representative of the American Commander-in-Chief, to the envoy of Sir H. Clinton. It was made, secondly, by Colonel Ogden, the envoy of Washington himself. Irving pleads that the instruction was given by Lafayette, but Ogden was sent by Washington to receive his final instructions from that favourite and confidential assistant (Spark's *Life of Arnold*, p. 267). That the offer was made in the name and by the authority of Washington is as certain as that he directed the surprise of Trenton and the execution of André. The fact is as well established as its improbability seems gross. The blindness of a man like Washington to the inevitable rejection, the equally inevitable publicity, and, save in American opinion, the indelible infamy of the proposal is of that kind which the enlightenment of the age will hardly permit me to call judicial: the blindness of ungoverned passion or prejudice, or that which, whether by natural or supernatural infliction, seems almost inseparable from guilt, and astounds those whom it guides to the detection of the most admirably devised plots.

motives beyond doubt or excuse. Few soldiers but would prefer the heroic death of André to the conscience of his executioner.

His vengeance still insatiate, Washington next descended to a stratagem worthy of its intended victim. His own orders⁸ record the fact that he hired a gang of scoundrels, under the command of one Champe, to enlist under the British flag in Arnold's own immediate command, with the express view of betraying the life of their chief. They were formally enjoined to bring him alive and unhurt within the American lines, and this of course was the result which Washington would have preferred. But he was far too experienced a soldier to doubt that the captive's life would probably be sacrificed to the safety of his captors. Attempts of this kind, familiar in the history of the sixteenth and seventeenth centuries, have always been regarded and punished as thinly veiled schemes of assassination. The plot failed, and Washington's hired kidnappers escaped the gallows by a hasty flight.⁹ •

⁸Writings, vii. p. 546. *Life of B. Arnold* (I. Arnold's), p. 337. 'At Washington's suggestion,' Irving, iv. 176 (Philadelphia 1873).

⁹ Bartlett, i. 498. This writer makes Washington and Greene solely responsible for refusing the unanimous petition of the court-martial that André might be shot.

CHAPTER XXII.

THE LAST CAMPAIGN.

The Pennsylvanian Mutiny—Removal of Gates—Greene's Disasters—Mutua Flank Movements—Devastation of Virginia—Occupation of Yorktown—French Ascendant at Sea—Capitulation of Cornwallis—Close of the War—Victory French, not American—The Peace of 1782.

THE main Continental army under Washington, greatly strengthened in numbers and discipline and doubled in effective power by the support of the veteran troops of France, remained upon the Hudson. A few sharp affairs of outposts, an abortive attempt upon the outworks of New York, completely disconcerted by the appearance of a few British vessels in the Hudson, occupied the remainder of the year.

The first days of 1781 were signalised by a mutiny which illustrates the endurance and forbearance of the soldiery rather than their indiscipline, and brings home with the force of a signal example the meaning of Washington's frequent complaints of the cruel neglect and needless hardships suffered by his troops. A large body of Pennsylvanians, ill-fed, unpaid, save with paper (of which Washington said that a wagon-load would scarcely purchase a wagon-load of provisions), were driven out of patience by the partiality which lavished on new recruits a large bounty in gold, while veterans were left barefooted and half clothed to endure the severities of winter. After repeated and most temperate remonstrances had been treated with insulting neglect, they broke into open revolt, and marched upon Philadelphia to extort by force from the provincial Government the bare justice refused to petition and argument. Neither policy nor equity would permit that stern repression to which Washington's temper inclined. The loyalty of the mutineers was proved by the surrender of two

emissaries from Clinton. The demands of the men were satisfied, and the redress of intolerable grievances thus yielded to violence helped to deepen the contempt of the soldiery for the civil authorities. The habits, tone, and experience of the camp and the field maintained the bonds of merely military discipline; the troops respected and obeyed their Generals, but as those who had led them in the field and shared the hardships of the campaign rather than as the representatives of their Government.

General Gates's ill-luck deprived him at once of the favour he had owed partly to his good fortune, partly to the factious malice which had pitched upon him as the only possible rival of Washington. He was summarily superseded, and a court-martial ordered, but on one pretext or another long delayed. General Greene, the nominee of Washington, succeeded the discarded favourite of Congress, and exerted himself vigorously to discipline and reinforce his demoralised army.

Cornwallis, leaving Lord Rawdon at Camden with a considerable part of his small force to keep his hold on South Carolina, pushed northward, hoping to cut the Americans off from Virginia, and force them to a decisive engagement before they had recovered the effects of their recent defeat. The first partial engagement, on January 17, 1781, did very much to restore the courage and confidence of the insurgents. Tarleton, commanding the British advance, and driving before him the American rearguard under Morgan, pressed forward with a rapidity which wholly exhausted the physical strength of his troops. Morgan, who thoroughly understood the kind of warfare best suited to the country and to the temper of his men, had occupied a strong position, with a river in his rear, which might convert defeat into ruin, but which at least would prevent his soldiers from running away. Had he crossed it, a large part of them, he declared, would have abandoned him. Should Tarleton's cavalry surround him, it would keep his infantry from breaking away, and make them depend upon the bayonet. When forced to fight, even such troops would sell their lives dearly. A flank attack might have

been fatal, but flank attacks were not in Tarleton's line. Such was Morgan's own account of his manœuvres. The British, estimating the enemy much as did their own General, and unaware of the desperate remedies adopted by the latter, rushed headlong to the attack. Firmly received by the best of Morgan's troops, and misled by the flight of the worst, they fell into confusion, abandoned their cannon and colours, and took to their heels. Tarleton, with fewer than sixty men, made a desperate resistance, and repulsed the enemy's cavalry, but on the approach of an overwhelming force of infantry was compelled to trust the lives of his men to the speed of their horses. A loss of three hundred killed and wounded, five hundred prisoners, guns and colours, while the Americans had not lost sixty men, inflicted the worst—I may say the sole—real disgrace that befel the British arms during the war.

Morgan retreated in haste to cross the Catawba and rejoin Greene before he could be overtaken by Cornwallis. The latter, seeing that everything depended upon the rapidity of his movements, destroyed all the encumbrances, stores, and luxuries he could possibly spare, beginning with his own baggage and that of his officers; and, accompanied only by the wagons needed to convey provisions, ammunition, sick and wounded, pushed forward with some 3,000 men in pursuit of the enemy. Morgan was saved by the rapid rising of the river he had crossed. When it had partially subsided, on January 31, Cornwallis attempted the passage of the Catawba at a point where it was 500 yards wide, three feet deep, and very rapid, guarded, moreover, by a strong American force. On their first fire his guide deserted him; the British missed the ford, and, striking through deeper water, with difficulty reached the opposite bank. Tarleton pursued and scattered the enemy's rearguard, and the campaign became a race between the two armies, the Americans endeavouring to reach Virginia and rally upon the reinforcements that might there be expected, the British to intercept them and force them to battle. The Americans,

superior in light troops and cavalry, knowing the country, and accustomed to rapid marches, had a decided advantage, and their retreat was conducted with signal skill. Reaching Virginia in safety, they were reinforced by some four brigades of Virginian and North Carolinian militia, and by the legion of Colonel Lee, the well-known 'Light-Horse Harry,' and father of a more distinguished son.

On March 15, 1781, the American army, some 4,500 strong, drew up at Guilford Court House to await the attack of Cornwallis, who, on American showing, had at most 2,400. The Carolinian militia, who formed the first line, gave way before his steady silent advance had brought the enemy within musket-shot. A volley and a bayonet charge scattered them to the winds. The Virginians, under a chief who had the wit and presence of mind to represent the panic flight as a stratagem, opened their ranks to let the runaways pass, and reformed with the firmness of veterans. Cavalry were useless in the dense woods, and the Virginians, relying on their superior marksmanship, were only driven from their position by a second bayonet charge. The victors were now confronted by the third line, equal in number to their own whole force, fresh, and consisting of Continental regulars. The field was now stubbornly contested, and the British victory dearly bought. The conquerors, who had lost a fourth of their small splendid force, were exhausted by fatigue and hunger, and incapable of pursuit. The Americans left on the field their artillery, their dead and wounded. The routed militia were hardly more 'demoralised' than before, and Greene rallied them within ten miles. A thousand wounded were scattered in the woods which covered the field of battle. The night was dark, with torrents of rain. The slow collection of the sufferers occupied the whole energy of the victors, and the scene was appalling even to the hardened veterans of Cornwallis.

The latter, confronted by a defeated but unbroken army of double his strength, in want of provisions, encumbered by his wounded, and shattered by the heavy loss of officers and

men, was compelled to retreat, and reached Wilmington on April 7. Greene, passing round his left flank, and moving as swiftly as the quality of his troops and the character of the country permitted, over ground intersected by streams and marshes swollen by heavy rain, pressed southward to fall upon Lord Rawdon's scattered forces at and around Camden, S.C. Informed of this movement, and unable to intercept the enemy or reinforce Rawdon, Cornwallis imitated Greene's manœuvre, and pushed on to join the forces which, first under Arnold, afterwards under General Phillips, had been employed in ravaging Virginia; the Americans, under Lafayette and Steuben, now retreating, now turning upon the enemy, as either army was in turn strengthened by reinforcements.

A naval encounter which had given to the British the temporary command of the Chesapeake, had disappointed the expectations of the Americans and restored the confidence of the invaders, to whom a French victory at sea would have been fatal, when, on May 20, 1781, a few days after the death of Phillips had left Arnold in sole command, Lord Cornwallis effected a junction with the latter at Petersburg.

The war languished in the North, where Clinton held New York city without venturing on vigorous offensive operations, and the American army watched him from the Hudson without daring to assail his lines. They covered the interior of New York, but left Connecticut to the mercy of Arnold, who, having returned to New York, was sent to ravage his native State. In the South the contest had become more than ever desultory and savage. Arnold had destroyed Richmond; Tarleton and other subordinates, under the instructions of Cornwallis, wasted, burned, and plundered Virginia at their will. The innocent and loyal blood shed under the forms of law, butcheries like that of King's Mountain and the outrages suffered by the royalists, had at length provoked both deliberate retribution and unauthorised reprisals. Several deserters were hanged, among them one or two whose guilt was somewhat questionable; and on one occasion, at least, American authorities declared that prisoners had been put to

death after surrender. Acts for which no excuse save that of retaliation can be preferred, were committed by small detachments of exasperated royalists and soldiers, beyond the control of their Generals. But of judicial murder of rebels as such, of executions of prisoners in cold blood under the eyes of responsible British commanders, I find no evidence.

The mutual evasion of Greene and Cornwallis proved equally successful on both sides. There was no pitched battle in South Carolina, but the scattered garrisons and detachments under Lord Rawdon's command were successively attacked and overpowered in detail, and the greater part of the province recovered by the insurgents, before whom the royalists, partisans and non-combatants alike, were driven to take refuge in Charleston with the wrecks of their property. Elsewhere the American cause seemed at the lowest ebb. Washington, though backed by nearly ten thousand excellent French troops, and aided by French squadrons, present or approaching, decidedly superior to those which England maintained in the North Atlantic, held language more despondent than ever.¹ He was without money, without provisions or forage, except what were taken by impressment, without clothing, and expected soon to be without men. Congress had floated two hundred million dollars of paper among a population of two millions and a half² without commerce and with half-ruined industry. The earnest entreaties of their mendicant envoys obtained succour from France and Holland, and this alone, according to Washington's own representations, saved his army from dissolution and the cause from ruin.

For nearly a year after the death of André the main Continental army had been practically idle, or attempted ill-conceived operations only to fail. The desperate need of Virginia appealed in vain for rescue. Even when supplied by France with abundance of all military necessities and joined by Rochambeau, Washington chose still to bide his opportunity. Meanwhile, a series of reinforcements had

¹ Bancroft, vi. chap. 48, *passim*.

² More probably three millions. See note, p. 287.

given the French a potential mastery at sea, which the Count de Grasse turned to practical account. An indecisive encounter with Admiral Graves gave him all the fruits of victory, enabling him to draw his whole force together and effect his junction with a powerful squadron, conveying military stores, troops, engineers, and a formidable siege artillery.

Cornwallis—in pursuance of peremptory orders from Clinton and instructions from home, but wholly against his own better judgment which would have preferred to keep open to the last his line of retreat to the southward—had occupied that peninsula, between the York and the James Rivers. This the ablest General of the North recognised, eighty years later, as the base from which a superior enemy, with undisputed command of the sea, could best threaten Richmond and that seaboard country, east of the Blue Ridge, which was in 1781 almost the whole settled and peopled area of Virginia. Cornwallis occupied and proceeded to entrench Yorktown, on the river of the same name, near the north-eastern extremity of the peninsula.

Clinton and the Home Government alike had overlooked the possibility that, while great part of England's naval force was employed in the West Indies, France might snatch the command of the Chesapeake; in which case the peninsula would become a prison rather than a fortress for the isolated land force of the invaders. Lafayette, strongly reinforced, followed the retiring enemy and seized and fortified the isthmus of Williamsburg. Late in August Washington broke up his camp upon the Hudson, and with numbers—half French and half American—nearly double those of Cornwallis, reached Philadelphia on September 2, and marched with all speed to join Lafayette. Lord Cornwallis had meanwhile exerted himself to entrench his position as strongly as time and means permitted, well knowing that all depended on the mastery of the sea. A better depôt and base for active hostilities, or a worse citadel and refuge in disaster, could hardly have been chosen.

When the collected French armament of twenty-eight sail of the line under Count de Grasse entered the Chesapeake, the British General at once appreciated the extreme danger of his situation. Offensive operations with his actual force were impossible. Lafayette, already reinforced by more than 3,000 French troops, held a strong position, commanding the only route by which the British could move. Its flanks were guarded by the lighter vessels of the French, occupying the lower waters of the York and the whole estuary of the James. The presence of the French fleet and the arrival of their transports clearly indicated the intention of the enemy. Cornwallis saw that he must presently be hemmed in by land as he was already blockaded by sea, and in that case nothing but a decisive maritime victory could extricate him from a position which could not long be maintained against a greatly superior army. A prompt retreat to the Carolinas offered the only prospect of rescue by his own exertions; and he felt with too much reason that he could not rely with confidence on prompt, timely, and effective succour from New York. He reconnoitred Williamsburg, prepared, if possible, to cut his way through the American lines; but found them already too strongly entrenched and manned to be forced by that attack in front to which he was necessarily confined. All avenues of escape thus cut off, he contrived to despatch repeated messages to Sir Henry Clinton, explaining the desperate character of his circumstances, and devoted his little remaining time to strengthening his defences to the uttermost.

On September 25 a French and American army of 18,000 men was gathered in the camp at Williamsburg, under Washington and Rochambeau, and the garrison of Yorktown were beleaguered by sea and land. On the same evening Cornwallis received a despatch from Sir Henry Clinton, informing him that a fleet of twenty-three ships of the line, with about 5,000 troops on board, would leave New York about October 5. Such a force would still be far inferior to the Allied fleets and armies; but with a reliance

warranted by experience on the superior quality of British soldiers and seamen, Cornwallis felt confident of victory if he could but hold his own till ~~its~~ arrival. But his entrenched camp, after every exertion had been made to protect it, was hardly tenable. He was short of provisions, and sure that the attack would be pressed with all possible vigour by the able engineers and powerful siege artillery of France.

After some indecisive skirmishes, Lord Cornwallis withdrew from his outposts and concentrated his forces within the main works that sheltered the town. The first American parallel was opened on October 6, within 600 yards. The tremendous superiority of the besieging artillery was at once evident. The second parallel, within half the distance, was opened by Baron Steuben on the 11th; and on the 14th two strong redoubts, essential to the defence of the place, were stormed, after a desperate contest and with heavy loss, the one by the French under Lafayette, the other by the Americans under Colonel Alexander Hamilton. By a gallant sally just before daybreak on the 16th, the working parties were expelled from the trenches and several pieces of artillery hastily spiked. But the assailants were driven back before they had time to do their work thoroughly. The guns were easily rendered serviceable, and by the evening of that day the garrison could not show a gun on the exposed side; its shells were nearly expended, and the town was obviously indefensible. No part of the ground held by the British was safe from the shot and shell of the Allies.

Lord Cornwallis planned an escape which, but for the interference of fortune, might have succeeded. The first division had actually crossed the York River when the boats in which the second had embarked were scattered by a violent storm of wind and rain. The attempt was effectually baffled. The first division were recalled with difficulty, under a heavy fire from the enemy's batteries; and on the 17th, rather than expose his reduced and wearied garrison to the horrors of an assault which could not possibly be repelled, Cornwallis offered to capitulate. On the afternoon of the 19th, 7,000

British and German soldiers marched out, passed between the French and American armies drawn up in two lines, each more than a mile in length, and laid down their arms.

On the 24th, a British fleet of twenty-five ships, conveying Sir Henry Clinton with 7,000 soldiers, arrived off the Capes of Virginia, and hovered off the mouth of the Chesapeake until the 29th, when, the surrender having been formally ascertained, Clinton had no choice but to retire to New York. Meanwhile, a sharp combat at Eutaw, S.C., in which the Americans had been repulsed, had only secured to the British an unmolested retreat.

The war was virtually at an end. England had been beaten, not by the insurgent Colonies, but by the combined sea and land forces of France and America. Until and even after the completion of the alliance with France and the arrival of Rochambeau, Washington's communications, and especially his private letters, had breathed a spirit resolute and manly indeed, but dubious and despondent. Of victory to be won by a divided people, a Government singularly incompetent, ignorant, and negligent,² a devoted but inadequate, half-disciplined, ill-provided and often starving army—a militia fluctuating in numbers and in spirit, and bodies of partisans more effective in skirmishes and affairs of outposts, in harassing the enemy and harrying royalists;³ than in open conflict with the troops of Great Britain—he evidently entertained but little hope. If he would not openly avow that he despaired of his country, his language was that of reproach, complaint, and calm but none the less evident apprehension of disaster. Repeated demonstrations that Congress had no

² Washington to George Mason, October 22, 1780:—'Our present distresses are so great and complicated that it is scarcely within the powers of description to give an adequate idea of them. With regard to our future prospects, unless there is a material change both in our civil and military policy, it will be in vain to contend much longer.'

³ 'We are without money; without provision and forage, except what is taken by impress; without clothing; and shortly shall be, in a manner, without men. In a word, we have lived upon expedients till we can live no longer. The history of this war is a history of temporary devices instead of system, and economy which results from it.' (This with a French army at his back!)

right to expect a victory it had done nothing to prepare—that its demands were utterly unreasonable, its estimates of his strength monstrously exaggerated, that its mismanagement and neglect would have ruined much brighter hopes, have demoralised the best troops and baffled the best-laid plans—indicated his anticipation of defeat and his desire to throw the blame, less from his own shoulders than from those of the army, on those with whom it ought properly to lie. The energetic intervention of France changed at once the whole face of affairs. Compelled to keep a large part of her navy and army at home to guard against the attacks of France, Spain, and Holland, and the scarcely disguised hostility of the Armed Neutrality, England could employ but half her strength against the revolted Colonies, backed by the fleets and by eight or ten thousand of the best soldiery of Louis XVI.

To that mastery of the seas which finally turned the scale in her favour, America contributed nothing. The decisive blow was struck by a combined land and sea force of which between one-third and one-fourth was American. It was in fact to De Grasse and Rochambeau, though in form to Washington, that Lord Cornwallis surrendered his untenable entrenchments, his silent cannon, and his sullen army. The very efficiency of the Continental soldiery in this last campaign was due to the charity of the monarch who had clothed and fed the troops, furnished their military chest, and supplied their siege train. In almost every field in which the British and Continental troops met on anything like equal terms, the result was a decisive and generally ignominious American defeat. Of the two great disasters sustained by the British arms, neither was inflicted under conditions approaching to equality. Saratoga was won by fourfold numbers; Yorktown at similar odds; and the final victory was really achieved when Cornwallis's communications were intercepted by the presence of an overwhelming French fleet. In a word, the independence of America was the gift of Louis XVI.* The

* Nothing remained for the United States but to appeal to France for a

gratitude of the United States was manifested by ~~their~~ enthusiastic sympathy with those who dethroned and murdered him.

The contrast between the demagogues and ~~the soldiers~~, between Congress and its Generals, was displayed ~~as~~ forcibly in victory as in disaster. As the midnight evasion of Congress from Philadelphia had manifested its equanimity in peril, so did the immediate proposal to reduce the army illustrate its abstinence from insolent exultation. The ascendancy of the victorious General prevented this premature demonstration of triumph, but the commanders on both sides practically recognised that the war was over, that further active operations would be but a wanton and criminal waste of life.

On March 20, 1782, Fox pressed a vote of want of confidence with such indecent eagerness that, probably for the first and last time in Parliamentary history, the Opposition would have refused precedence to a Ministerial declaration. On their proposal that the mover of the vote should be now heard, Lord North, with his usual dignity and presence of mind, 'rose to speak to that motion,' and announced the resignation of the Ministry. It was succeeded by one in which Lord Rockingham was the nominal head, Shelburne and Fox the rival chiefs, and Burke a subordinate placeman excluded from the Cabinet. With characteristic want of tact and loyalty, Fox intrigued to thwart the negotiations of his colleague and wrest the management of the terms of peace from Shelburne's hands. Franklin and Adams profited by the advantage thus given them; but the former well knew which Minister he could really trust, with whom he could negotiate in confidence and good faith.

The ignal and ruinous defeat of the French squadron under De Grasse off Guadaloupe checked the intrigues of France, and reconciled the pride of England to the sole disrescue, ~~not from~~ a foreign enemy, but from the evils consequent on their own want of government.

"Without an immediate, ample, and efficacious succour in money"—such were Washington's words—"we may make a feeble and expiring effort in our next campaign, in all probability the period of our opposition."—B. 6, p. 350.

advantageous treaty she had concluded since the Revolution. The death of Rockingham, the elevation of Lord Shelburne to the Premiership, and the resignation of Fox greatly facilitated the negotiations with America.

One important point alone was really in dispute. The King was bound to use his utmost efforts to obtain an amnesty for his loyal subjects. On other questions Franklin acted with moderation, temper, and good sense; his obstinate refusal of mercy, or rather of justice, to his vanquished countrymen alone betrayed a vindictive spirit. It is probable, however, that on this head he could not afford to be just or reasonable; nor could any diplomatic concession have been of practical advantage to the unfortunate martyrs of a lost cause. Congress had not the power, even if it had the will, to bind the several States; nor could, nor would, the State Governments have interfered effectually to protect the objects of a popular animosity which even Washington had rather inflamed than discountenanced. The hatred which fear of military reprisals had not restrained would have been unsparingly indulged at the expense of victims utterly defenceless. All that the King could do was to give the fugitives shelter and some poor compensation in the Northern provinces.

It was unfortunate that the preposterous demand of the Americans to share in the Newfoundland fisheries was admitted—probably as hardly worth contesting. Florida was restored to Spain. The territories conquered from France were divided; the vast region between the Lakes, the Alleghanies, and the Mississippi yielded to America, Canada and the maritime provinces retained by Great Britain. An interlined clause, prohibiting the British from carrying away ‘any negroes or other property,’ formally recognised slavery as a national institution of the United States. England acknowledged her thirteen revolted Colonies, *not* as an independent nation, but individually and by name as ‘sovereign and independent States.’ The treaty was finally settled on November 30, 1782, but, in pursuance of the engagements between France and America, came into operation only when a general peace was signed on January 20, 1783.

BOOK III.

THE UNION.

CHAPTER I.

UNDER THE CONFEDERATION.

Proscription of the Royalists—Could Washington have made himself Dictator?
Financial Anarchy—Organisation and Powers of Congress—Impracticable
Character of the Confederation.

THE Revolution had succeeded; the States had achieved or received their independence. But peace had not brought prosperity, nor did independence repress the anarchy or calm the passions of revolution. The States south of the Potomac had been well nigh ruined by the war; their industry had been interrupted, their commerce annihilated, their farms wasted, their stores burned, their towns and villages plundered and fired, their cattle and slaves carried off, their population, slave and free, demoralised by the licence, the disorders, and the frenzy of civil war. •

Elsewhere the dissentient minority had been too weak to be feared. The same prudential considerations, the political indifference, the aversion to violence which had rendered them careless of sentimental grievances, kept most of them neutral so long as the insurgents would suffer them to pursue their business in peace. But the natural aristocracy of New England had been scarcely less effectually proscribed and exterminated than was that of France some ten years afterwards. From every Colony a large part of its better classes had been driven to seek refuge or take service under the royal flag; and on the evacuation of New York, these sought with ruined fortunes new homes in the English provinces beyond

the St. Lawrence, where, as they complained with some reason and some exaggeration, there were nine months of winter and three of cold weather. After some years' delay, these voluntary exiles received from the bounty of the Crown a compensation, if not wholly adequate to their losses, by far the most liberal ever obtained by the victims of a successful revolution. Their property was confiscated as a matter of course. Not a few of those who had ventured to remain were persecuted, exiled, and plundered, either under the forms of law or by the summary methods of democratic excommunication. In the Southern Colonies especially the mutual outrages, the devastations, the military executions and reprisals had rendered reconciliation or forgiveness impossible.

The vindictive proceedings of the first months of the peace aggravated the miseries and impoverishment caused by the last years of the war. Fortunately for the Americans, the States which had suffered most severely were those whose wealth was purely agricultural, in which therefore there was least to destroy and in which the havoc of war was most easily and rapidly repaired. Massachusetts and New Hampshire had been untouched. Even in Connecticut the invaders had never penetrated far and had been speedily expelled. The war had swept over the whole inhabited country of Georgia, the Carolinas, and Eastern Virginia. In the North, Rhode Island only had been occupied by the invaders as an enemy's country. Desultory raids excepted, the operations of the contending armies had been confined to the region between the Delaware, the sea-coast, and the Hudson, and to the lower valley of the last-named river. Political disorder, social and industrial disorganisation and the suspension of commerce, rather than actual military extortion or destruction, had impoverished the population of the Middle and North-Eastern States.

The proportion of the people brought into the field was never large, and small indeed when compared with that absorbed by the great wars of the present century both in Europe and America. At no time, probably, during the War of Independence was one-fortieth of the American population under

arms. In the States north of the Potomac two-thirds of the men capable of using the spade or the rifle were left to pursue their industrial tasks; three-quarters of the settled country was free from the ravages of war. Industry was but partially, locally, or temporarily interrupted. The agricultural and commercial depression, the general sense of distress and poverty which succeeded the first excitement of victory, was due less to the waste and havoc of war than to the widespread mischief inflicted by the financial follies of Congress; imitated and aggravated by the several State Governments. Hence the ruin of trade, the annihilation of credit, the expulsion of specie, the enormous losses of the moneyed and lending classes, the demoralisation of the public opinion and feeling. All market values, all pecuniary denominations, had been thrown into confusion by a currency rapidly depreciated and finally repudiated. The mischief was enormously enhanced by the legislation directed to give a forced circulation and false value to over-issues as monstrous in proportion to the population, the needs, and the wealth of the country as the assignats of revolutionary France. When the paper was repudiated, the justice refused to creditors was rendered to debtors. Debts contracted in paper were to be paid, not at their nominal rate, but at the value assigned by *ex post facto* legislation to the paper current at the time of the contract, a value always calculated in favour of the debtor.

The claims of the Army demanded immediate consideration. Officers and men had been paid in paper whose depreciation increased from day to day; which might be worth fifteen cents per dollar when despatched from Philadelphia, and ten or less when it reached the soldiers' hands. On one occasion a supply of silver, received from abroad, was taken up to the camp in barrels; the heads were knocked out in the sight of the troops, and the soldiers exclaimed with incredulous amazement and delight—'Why, Jonathon, it's hard money!' So long as they could subsist, however hardly, while half-fed, half-clothed, barefooted, blanketless in the midst of winter, the regulars, the militia of Virginia, Maryland, and the Caro-

linas, and a part of that from the Northern States, had fought on; looking to victory for their reward, to peace for the fulfilment of the promises by which they had been lured into the service and kept in hope and spirits. They found, however, that they were to be disbanded while their nominal pay was in arrears, without the shadow of security for the promised rewards. Even the liability of the new Congress, convoked under the Articles of Confederation adopted in 1780-81, to make good the engagements of its predecessor was disputed or denied. The veteran regulars, the flower of the army, had in the course of their service lost the habits, the opportunities, and the tastes of peaceful labourers. They had no homes to go to, no money to take them thither, and no prospect of employment. The officers, who had exhausted their own resources, saw little hope of receiving the seven years' half-pay which was to be their compensation. Once dispersed, their claim, already challenged, would be shamelessly repudiated. One band of Pennsylvanian recruits mutinied and threatened to extort justice by force at the doors of Congress. The rest of the army remained loyal and quiet, but made it plainly understood that they would not disperse homeless, owing the clothes on their backs and the shoes on their feet to the charity of France, and without other property than the arms in their hands. Congress was insolvent, its debts overwhelming, its credit forfeited, and its Treasury empty.

At this moment, and only at this moment, a Cæsar or Napoleon, an ambitious and unprincipled military chief in Washington's position, might have had that chance for foregoing which European ignorance and American enthusiasm have praised him so lavishly. There were not wanting, among officers and men, hints and signs of strong monarchical inclination. Had he promised them pay and permanent employment, the Continental regulars would probably have stood by him. Congress had fallen into the lowest depths of contempt and odium. The Commander-in-Chief was the central figure on which all eyes were bent, the representative at once of popular sentiment and legal authority as well as

the depository of military power; and might unquestionably have driven Congress from its Hall at the point of the bayonet, might probably have been hailed as King by six or eight thousand veterans. But here his victorious progress would have been arrested. He would have been confronted by thirteen State Governments, backed by thirty thousand men trained to arms, and by two-thirds of the population from whom his army was drawn. Outside his camp he would not have had five thousand active partisans. The attempt would have been madness. With but one-half of the army which had failed to confront the British in the field, with every advantage that had favoured him in a defensive war turned against him in a war of aggressive ambition, opposed by every difficulty which had baffled the forces and the wealth of England, without that French fleet and army which had decided the former issue in his favour—without money, resources, or supplies, save what he might levy by force of arms, thereby turning passive disgust into active hatred—he must have conquered the population, the distances, the conditions that had proved fatal to Clinton, Burgoyne, and Cornwallis, or perished in the desperate enterprise.

Of simple tastes and no selfish ambition, he scarcely felt a temptation to which no sane man, with his knowledge and his experience, could have succumbed. The praise so absurdly misbestowed obscures the honour which his conduct really deserved. His sympathy with the army was the strongest he was capable of feeling. His contempt and dislike for the assembly which had vexed, hampered, and intrigued against him—which had demanded impossibilities, undervalued his achievements, denied his most reasonable requests, neglected his wants, thwarted his designs, and claimed credit for a success to which it had contributed nothing—had been vehemently expressed in private. Resentment, however controlled by patriotic devotion and military duty, was strong within him—perhaps the strongest personal passion of his nature; and both as a man and a soldier he had cause to resent deeply and lastingly the conduct of the Philadelphia demagogues. His sense

of justice, when not overborne by passion, was keen and vehement; and he knew that the army was in the right and Congress in the wrong. But he saw that a mutiny in the moment of victory would ruin the interests of his country, stain the honour of his soldiery, and tarnish the lustre of his own personal fame. He exerted all his influence to discountenance the first movements of political intrigue and military disaffection: to exact from the Government clear and binding pledges of full and speedy justice to the army, and to persuade the army to rest satisfied with promises, which, often as they had been violated, were all that Congress could give. Robert Morris, the chief of the Treasury, strained the resources of the Government and his own personal credit to pay up some of the arrears; the officers were quieted with a pledge of five years' full pay, and the army was safely and rapidly disbanded.

During the next four years the Government sank into deeper disgrace and more hopeless impotence. The credit of the United States fell to the lowest ebb; far from attempting to liquidate debts at home and abroad, they failed even to pay the interest.¹

¹ 'We may, indeed, with propriety, be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride, or degrade the character of an independent people, which we do not experience. Are there engagements, to the performance of which we are held by every tie, respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners, and to our own citizens, contracted in a time of imminent peril, for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power, which, by express stipulations, ought long since to have been surrendered? These are still retained, to the prejudice of our interest not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government, (I mean for the Union). Are we even in a condition to remonstrate with dignity? The just imputations on our own faith, in respect to the same treaty, ought first to be removed. Are we entitled, by nature and compact, to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government forbids them to treat with us; our ambassa-

Congress had endeavoured to obtain authority to levy a five per cent. tax on imports, but such a measure required the unanimous assent of the States. New England, and especially Massachusetts, monopolised the greater part of the foreign trade on which duties must have been levied, and refused to forego the power of taxing in transit the trade of half the Union. Too unlearned in the simplest principles of economic science to realise that import duties are paid by the consumer, the Americans at large failed to discern the preposterous injustice of the pretensions of the importing States.

How completely the financial legislation of the war—the confiscation of debts, the enactments meant to bolster up the false value of a worthless paper currency, and the final act of national bankruptcy by which the incubus of that currency was thrown off—had demoralised a people once justly credited with commercial honesty, was signally shown during this period. The bankruptcy laws of many States amounted to a virtual release of dishonest debtors from legal liability, and prevented the revival of private as of public credit. In Massachusetts the restoration of law, the revival of business, and the enforcement of debts by legal process, provoked a communistic rebellion which threatened the subversion of the State if not of society, and compelled the interference of the scanty remnant of a Federal army to protect its arsenals and

dors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land in the market, and can only be fully explained by that want of public and private confidence which are so alarmingly prevalent among all ranks, and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending, is reduced within the narrowest limits, and this still more from an opinion of insecurity than from a scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance, that could befall a community so peculiarly blessed with material advantages as we are, which does not form a part of the dark catalogue of our public misfortunes.'—*Federalist*.

arms from seizure. It was put down at last with little bloodshed, but not until it had shaken the foundations of the scarcely restored edifice of law and order, and spread alarm among the propertied and educated classes throughout the Confederacy.

It was the financial confusion—the uncertainty of monetary denominations, the destruction of commercial credit, the scandal of national insolvency—that finally brought home to the public the intolerable inconvenience and imminent dangers of the situation; the impotence of Congress, the unworkable character of the Articles of Confederation, finally ratified a few months before the peace. The constitution, if it can be so called, broke down under a strain which had never been practically contemplated. The machine had not been originally intended to fulfil the functions of a national government, which had, by force of circumstances, inevitably devolved upon it. Congress was, as has been seen, in its origin a conference—a diplomatic council of thirteen mutually independent governments, a Committee of grievances, but neither a Legislature nor an Administration. As a government it was not merely provisional but accidental. It followed from its original character that it had never been invested, even provisionally, with the powers of a governing body; from its circumstances, its structure, and the manner in which the political control was actually distributed, that it dared not and could not usurp them. Every State had an equal vote; so that while the real strength of the Confederacy was centred in three or four of the thirteen States, these, even if unanimous, were powerless for civil action. Rhode Island, Delaware, Georgia, South Carolina, ~~North~~ Carolina, Maryland, and New Hampshire had a majority of the votes: Virginia, Massachusetts, and Pennsylvania contained a majority of the population, and with Connecticut, New York, New Jersey, furnished an overwhelming proportion of the military force. It was impossible that the three great States should concede supreme authority or coercive power to a body in which they had only an equal voice with Rhode Island, Delaware, and Georgia.

Attempts had been made, when the functions of government and the direction of the war devolved upon Congress, to alter its composition and enlarge its powers, and the Articles of Confederation² were the tardy result of these efforts.

But, with the exception of Franklin Congress, contained at this time scarcely a single statesman of even the second rank. Its leaders were theorists and dreamers, possessed by a superstitious and exclusive dread of tyranny when anarchy was the paramount danger, and strong government the urgent need of the day. Moreover, to any amendment of the Articles of Confederation the unanimous assent of the States was required, and Rhode Island alone could negative every scheme of reform, whereof the reduction of the disproportionate power of the smaller States was an essential element. The men whose authority and influence ultimately overbore the jealous resistance of the lesser States, and enforced upon a doubtful and generally adverse majority a stricter scheme of Union, were, from 1776 to 1787, absorbed in more pressing duties, and for the most part employed elsewhere—in the army, in foreign missions—or were called by the exigencies of invasion and reorganisation to the service of their own States.

Even the extremity of a common peril had failed to obtain from the States compliance with the requisitions of Congress. Those most immediately endangered furnished more than their proportion of men and exhausted their resources in equipping and arming their levies, but naturally reserved them mainly for the defence of their frontiers and of the nearer neighbours whose cities were the outposts, whose territory was the bulwark of their own. Pecuniary contributions were hardly to be obtained from any of them after the total discredit of the Continental paper system. Taxes had been imposed by several of the State legislatures, but those whose patriotism had been quickened by invasion, actual or impending, could not, and those whose resources were as yet comparatively untouched would not pay them. The urgent needs of Congress and of the Conti-

mental army had been met by foreign loans, those of the States by impressment, by voluntary contributions, and by local borrowing.

From 1788 to 1789 the finances of the Union and of the several States were falling into ever deeper embarrassment and confusion. The unpaid interest, constantly accumulating, added to the weight of the foreign and domestic debt. Confiscation proved, as it has always done, an ineffectual and suicidal resort. Accounts, official and personal, State and Federal, remained not merely unpaid but unsettled. No one, not even Morris, the zealous, able, and incorruptible Treasurer of Congress, knew within millions what was the indebtedness either of the Confederation or of its several members; what they owed to their creditors, or what was owing to them by the multitude of officials who had received money on the public account, or to whom funds had been advanced for military, commissariat, and civil expenses. The confusion was enhanced by the absence of any certain and common measure of value. Private commerce as well as public business was perplexed by the different meaning of the same denominations in different States. A hundred shillings might mean four pounds sterling in the North and one pound in the far South, and might bear any intermediate value according to the honour, the misgovernment, and the misfortunes of the intervening States.

Partial conferences had been assembled to consider and endeavour to regulate the monetary and commercial disorders by which the entire community was distressed, by which credit was destroyed and exchanges hopelessly deranged. Discussion only brought out more and more clearly the complexity of the problem, the interdependence of political and financial questions, the absolute necessity of entrusting the regulation of commerce, the restoration of the public credit, the common interests of the States, to some central body invested with compulsory powers and authorised to raise a national revenue by direct means, by taxes laid at its own discretion and received by its own agents.

CHAPTER II.

THE CONSTITUTION.

Meeting and Powers of the Convention—Parties—Federalism unpopular—Alexander Hamilton—Fundamental Usurpation—The first Scheme—State Coercion rejected—The Compromise—The Constitution—Powers of Congress—Absurdities of the Presidential Election—Disjunction of Legislative and Executive—Irresponsibility—Imitation of obsolete English Principles—State Ratification.

At last a Convention, consisting of delegates elected by the legislatures of twelve States, assembled at Philadelphia in May 1787. On the 25th, when nine States were represented, Washington was called to the chair. The nominal powers of the Convention were limited in the extreme. It was authorised only to revise the Articles of Confederation and recommend amendments. These amendments were the mere suggestions, so to speak, of a Royal or Parliamentary Commission, without legal effect, with no sanction other than they might derive from the individual and collective authority of their authors. The most urgent and most unanimous recommendations of the Convention could not bind its constituents.

It would seem then that little result could be expected from the labours of such a council. The Articles of Confederation were a treaty between independent Powers, and could be amended only by their unanimous consent. No amendment could turn a league into a nation, a treaty into a constitution. No essential modification of the compact was likely to receive the unanimous assent of thirteen States with different temperaments, traditions, and interests; States large and small, Puritan and anti-Puritan, democratic and aristocratic, commercial and agricultural; States dependent on slave and free labour respectively. Nay, the veto of Rhode Island was ensured beforehand. She had refused even to

send delegates to consider the subject. But the very impotence of the Convention gave it liberty. Of two strict and narrow limitations, the one cancelled the other.

The divergent tendencies, the opposite alarms, which prevailed out of doors, disclosed themselves at once in the formation of two distinct parties within the Convention; the parties which, under different names and colours, arrayed on different battle grounds, but defined and organised, from first to last, on the same essential lines, the same antagonistic principles, have ever since contested the government of the Union and the control of its policy. Their opposite political creeds were rooted in the conditions of the problem, in the traditions, passions, and interests of the country, in the necessary combination and natural antagonism of State sovereignty and national unity. A few extremists excepted, all Americans recognised in 1787 and have always acknowledged the importance of both; differed and have ever since differed in laying greater stress and attaching greater value to one or the other.

It is invariably in such a union of conflicting necessities that permanent political parties have their foundation; the joint acknowledgment of both giving them a common ground, the respective preferences a cause of conflict. Federalists and Antifederalists, Whigs and Democrats, Republicans and Democrats, have alike acknowledged the necessity of federation, the impracticability of consolidation; the necessary supremacy of a single central authority over external relations, the rightful and indispensable sovereignty of the States in domestic matters; and have always disputed the proper limits of State and Federal authority.

The contest began with the first meeting of the Convention. Fortunately for the Federalists, the antagonism was not fully understood or organised till the views of their leaders were disclosed in the course of debate. In the absence of a recognised political issue, the choice of the delegates had been largely governed by personal considerations. The party to

¹ This account is taken in substance from the published memoirs of the Federalist Jay and the Antifederalist Martin of Maryland.

which two-thirds of the foremost statesmen belonged was, as presently appeared, a decided minority of the people, but by force of character had secured an overwhelming majority within doors. They began by insisting that the sittings should be secret, lest the premature publication and fragmentary discussion of their views and the denunciations of their antagonists should prejudice their work, before it could be submitted to the popular judgment, to be accepted or rejected *as a whole*.

Most of the great Revolutionary leaders, deeply impressed by the dangers and discontents which the weakness of the federal authority had entailed, were chiefly alive to the paramount necessity of a strong and self-dependent central Power. The people and the popular orators, jealous of interference and suspicious of a remote and quasi-imperial suzerainty too like that against which they had rebelled so fiercely and fought so long, were no less naturally more keenly awake to their local and immediate interests, and warmly attached to those State governments to which they looked for protection and control. Conscious of no great obligations to the Union, they were afraid of the overbearing, intermeddling tendencies of a collective government. Each State was jealous of its neighbours and distrustful of its more distant confederates. Delaware feared encroachment from Maryland or Pennsylvania; Rhode Island from Connecticut and Massachusetts. The Carolinas disliked New England and suspected her of a desire to domineer and intermeddle; commercial and Puritan New England looked down upon the ignorance and rudeness of the South. The intermediate position and the political and moral ascendancy of Virginia rendered her the connecting link, her statesmen the natural mediators.

Washington, who presided, with his usual quick sense of personal dignity and official duty, forbore to take any active part in the debates. The leader of the Federalists, the foremost statesman in the Convention, was Colonel Alexander Hamilton, long a favourite aide-de-camp of the Commander-in-Chief; the most distinguished and skilful among the

younger soldiers of the Revolution, the least rhetorical, the most logical, powerful, and persuasive of American orators; equally successful with a senate and a jury—equally lucid, fluent, and unanswerable as a speaker and a writer; a thorough economist, a profound politician, a sound reformer, a consummate financier, a master alike of theory and practice, of organisation and administration; Pitt and Napoleon excepted, the youngest man who in modern times has played a first part on the political stage. At seventeen he had stood up before a raging mob to defend the cause of law and order, of free speech and individual liberty, against the intolerant tyranny of his associates of the insurgent faction. At thirty he governed, in its most momentous and perilous crisis, the history of his country. But for him the Convention would never have met, or had it met would have accomplished nothing.

New York, holding an intermediate position between the greater and the smaller States, was sure powerfully to affect, if not to govern, the conduct of the latter. The party which regarded the meeting and probable action of the Convention with distrust had a majority in her legislature. Only the powerful reasoning and persuasive eloquence of Hamilton induced her to send delegates, and to name him first among them. The force of the inclination against which he had prevailed, the strength of the party he had overcome, were evinced by the selection of two Antifederalist colleagues, who threw the vote of the State against him in one important division after another. In spite of this severe disadvantage, Hamilton, more than any other man, controlled the course of the Convention, and of the scheme as ultimately adopted he, in a greater degree than any of his colleagues, was the author. His success was the more honourable that it was not won by any politic suppression of unpopular opinions. He was as frank and open in the statement of his Ultrafederalist views² as wise and statesmanlike in foregoing every point which, however important, however necessary he considered it, was

² Elliott's *Debates* 203, 556, etc.

likely to divide the majority or to imperil the acceptance of their work by the people.

As Virginia had taken the first step in convening the assembly, the first scheme was brought forward in her name and by her delegate and Governor, Edmund Randolph. It was met at the outset by an objection founded on the instructions of the Convention.³ The Federalists pointed out that as their recommendations, limited or unlimited, were merely suggestions which had no force unless adopted by the States, they were but private individuals, instructed to do what they could have done without instructions. An invitation to advise their countrymen could not limit their right to offer advice uninvited. Their ultimate action revealed a flaw in this reasoning. Whereas the amendments they were authorised to offer required the assent of all the States, they assumed the right to dispense with the assent of one-third, and practically dissolved the Confederation of the thirteen States as soon as nine should accept their recommendations. But this stretch of power was not foreseen, nor, probably, contemplated at the time. Their reasoning prevailed; and indeed, as it presented itself at this stage of the proceedings, it was not easy to return an effective answer.

Randolph's plan was considered in detail, as was afterwards a counter-scheme more favouring the independence of the several States, put forward on behalf of New Jersey. The latter was better calculated to win the favour of the people than to meet the views of statesmen deeply impressed by the experience of the last few years with the necessity of a central authority independent of the machinery of the State Governments. Probably because its framers felt the necessity of satisfying this primary exigence, the counter-scheme contained a recommendation inconsistent with its principles, betraying a certain consciousness of weakness, and at once fatal to its acceptance. Making the Federal power dependent on the States in the exercise of its limited authority, the States' Rights party authorised the forcible coercion of a recusant or obstructive

³ *Vide supra.*

State.⁴ The Convention saw that such a provision meant, not constitutional compulsion, but civil war. The idea of forcible coercion to be employed against a sovereign State was generally condemned, was promptly dropped, and never revived. The Jersey plan was voted down on other grounds. But that coercion in such a case meant war, that the Union could not rightfully or lawfully wage war against one of its members, was the opinion of a vast majority. The question was raised, and, if it were not formally decided in the negative, it was because no delegate ventured to challenge a vote; probably because no State delegation could have been found to maintain the affirmative.⁵

The Convention proceeded to consider the Virginian scheme, tacitly setting aside the objection raised *in limine*, and proceeding, not to amend the Articles of Confederation, but to frame a substitute—to create ‘a national government’ complete in the three branches, executive, legislative, and judicial. The first great question concerned the equal representation of the States. Their equality in the Confederate Congress had been provisional and almost accidental; a point conceded to necessity, urgency, and the extreme difficulty of finding any other basis which would be accepted by all the Colonies. After a sharp contest, it was resolved that the distribution of power should be based on population. A single Executive, to hold office for seven years; a Senate, elected for the same term; a House of Representatives, chosen for three years, were successively carried by a narrow majority of States. Georgia, though one of the least populous, voted with the larger (according to Father Martin, the Antifederalist delegate of Maryland), in the belief that her extensive western

⁴ Bancroft debits the Virginia plan with this suggestion, more consistent with its general character.

⁵ I have followed the summaries of Jay and Martin. Elaborate accounts of the discussions are contained in the Madison Papers edited by Gilpin, in Elliott's *Debates*, and in Bancroft (*Formation of the American Constitution*) a sequel to the edition I have quoted. But they do not substantially differ from my account. Bancroft wrote after secession, as a violent partisan.

territory, including great part of Alabama and Mississippi, would soon raise her to the level of Virginia or Pennsylvania.

Beaten on every point, irritated by the imperious determination of the majority within, and persuaded that their own views would be sustained by a majority without—certainly by a majority of States, probably by a majority of citizens—the weaker party at last threatened to secede from the Convention and appeal to their constituents. This threat brought the majority into a more compliant mood; and a committee, consisting of one delegate from each State, at last devised a compromise which, though it satisfied neither extreme, was accepted by the moderate men of both parties as a reasonable settlement. That compromise, with a few amendments of secondary importance, forms to this day the Constitution—the written fundamental law—of the Union.

A complicated and cumbrous machinery, the imposition of conditions by no means easy of fulfilment, secure that fundamental law from hasty, inconsiderate, or needless alteration. It can practically be modified only when the country at large, and no mere party or sectional majority, is fully convinced by experience that some of its provisions are faulty, inadequate, or unworkable. An amendment can be proposed only by two-thirds of both branches of Congress, or by an amending Convention, summoned on the application of two-thirds of the States. The former has been the course invariably adopted. The proposed amendments require the ratification of three-fourths of the States, and no amendment can deprive a State of its equal suffrage in the Senate. The phrase 'national government' was struck out; but a government which, within its allotted sphere, may fairly be called national, was substituted for the single Congress or diplomatic assembly which had directed on behalf of the States, and rather by advice than command, the common affairs of the Confederation.⁶ To use the technical terminology of German writers, the 'Staaten-bund' became, for certain purposes and

⁶ This word and its equivalents are found in constant contemporary use 1776-86.—Bancroft, vi. p. 175, etc.

within certain limits, a 'Bundes-staat.' As the 'Federalist' itself—the organ of the constitutional party, written chiefly by Hamilton—declared, the States *were still to be regarded as 'distinct and independent sovereigns.'* The Federal government was confined to the powers expressly delegated to it.

The equal sovereignty of the States is represented in the Senate, their population in the House of Representatives. The legislature of each State elects two Senators for a term of six years; but the first-chosen Senate was divided into three classes by lot, one-third of the members to retire at the end of two and four years respectively; so that one-third of the Senate is renewed at the end of each second year. The continuous existence thus given to the Senate—the quasi-diplomatic position of its members as representing sovereign States—their election not by the people, but by the legislatures—have given it from the first a dignity and authority which render it in every sense the Upper House of the Federal Legislature. Its dignity is enhanced by the share of the executive power bestowed upon it. No treaty can be ratified but by a two-thirds majority of the Senators voting thereon; every appointment to offices of the highest class requires Senatorial sanction.

The first House of Representatives consisted of sixty-five members, apportioned to the States according to their supposed population, 35 to the North and 30 to the South.⁷ Congress was obliged to take a census within three years—i.e. in 1790. After each decennial census a redistribution of seats takes place. Each State, however small, must have one representative; otherwise, the legal maximum was fixed at one member to 30,000 population. At each redistribution both the number of members and the size of their constituencies have been increased. In 1881 325 members represented each a population of 154,000.

The members are allotted by Congress to States, not to districts. The State was empowered in the first instance to

⁷ The South then meant Maryland, Delaware, Virginia, the Carolinas, and Georgia, which included the country out of which Kentucky, Tennessee, Alabama and Mississippi have been formed, except the coasts of the two last.

distribute her members as she pleased, or elect them *en masse*, and for some time several States adopted the latter course ; but the ultimate right to override these arrangements is reserved to Congress. In estimating population and apportioning direct taxes, five slaves were reckoned as three freemen (the word slave was avoided, as in other cases, by an ingenious circumlocution). The franchise follows that of each several State ; the Representatives must be chosen 'by the electors of the more numerous branch of the State Legislature.' This suffrage, which in 1790 varied greatly from State to State, and was almost everywhere more or less restricted, is now practically universal.

Congress has exclusive power to declare war, to regulate foreign, interstate, and Indian commerce, to maintain and legislate for the army and navy, to prescribe the discipline of the militia, to coin money, to establish post-offices, impose and collect import duties, create and pay Federal debts, and establish uniform laws of naturalisation and bankruptcy. It shares with the States the power of internal taxation. A very important clause, strained in later times in a manner never contemplated when it was accepted, empowers Congress to make all laws necessary and proper for carrying into execution the powers vested in the Federal government. The writ of Habeas Corpus is not to be suspended save in case of rebellion or invasion ; the place assigned to this prohibition evidently reserved the power of suspension to Congress. The slave-trade (importation of such persons as the States thought proper to admit) was not to be prohibited by Congress prior to 1808 ; but it might tax each person imported under State laws not more than ten dollars per head. The slave-trade was at the time prohibited by nearly all the States. Titles of nobility, bills of attainder, and *ex post facto* laws are forbidden ; no tax can be laid on exports ; no State can make anything but gold or silver a legal tender, or emit bills of credit (exchequer bills or promissory notes) ; it would seem, but is not clear, that Congress may not.^a

^a So Luther Martin and Bancroft. (Sequel Book III. c. 7.)

With the exception of the right to declare war, ratify treaties, and appoint officers of his own sole authority, the President enjoys more than royal prerogatives.⁹ He is the absolute chief of the Executive government; Commander-in-Chief of the army and navy, and of the militia when called into the Federal service; has the sole charge of negotiations with foreign Powers, the nomination of all officers, diplomatic, judicial, civil and military. But Congress may vest the appointment of inferior officers in the President alone, in the Courts of Law, or in the heads of departments.

The President may convene Congress or either House separately at other than the regular annual periods; arbitrates between them if they fail to agree on the term of adjournment, and has a restricted veto on Bills to which both have assented. These require his signature; he may withhold it, and return the Bill, with his reasons, within ten days, to the House in which it originated. If detained beyond ten days during the session, or repassed in spite of the Presidential objections by two-thirds of each House, it becomes law without his signature. The ten days' grace allowed for deliberation has sometimes been used to get rid of Bills passed during the closing days of the session without the use of the veto or risk of its reversal. The session usually begins in December, and in alternate years ends with the expiry of Congress on March 3.¹ The President holds office for four years. In case of death or removal the Vice-president succeeds him.

The original method of election was an elaborate and strangely obvious blunder. Each State was to choose, in such method as it thought fit, a number of electors equal to that of its Federal Senators and Representatives together; thus

⁹ He can pardon offences against Federal law, 'except in case of impeachment.' But the prerogative of mercy in its everyday sense rests with the Governors of the States, as everyday crimes, from larceny to murder, are breaches of the peace of the State. The only penalty involved by impeachment is removal and incapacitation; any criminal offence must be made the subject of an ordinary trial and separate penalty, which the President may remit.

¹ An expiring Congress has nevertheless sat till late in the morning of the 4th.

securing three votes to the smallest States, and giving to the weaker a larger influence than they could claim in right of population. These electors in their several States vote by ballot for two candidates, one of whom *must* be a citizen of another State (therefore the President and Vice-president are never selected from the same State, as it could not vote for both). An absolute majority of all the electoral votes is necessary to an election. Such majority secured, the candidate having the greatest number was originally to be President, the ~~second~~ Vice-president. Failing an absolute majority, the House of Representatives *voting by States* chooses the President, the Senate, the Vice-president.

The machinery broke down at once. The electors, having no other function, were chosen simply to give a mechanical vote for the candidate favoured by their constituents; the election, which was meant to be freely made by the best men of the several States, became direct and primary, yet not popular; inasmuch as a popular minority may cast a majority of the electoral votes.² At the same time the machinery renders it possible that the candidate chosen might have a majority neither of the States nor of the people. The mode of election by the House is equally unsatisfactory, as a weak party minority might command a majority of State votes. To secure an election by the Colleges became at once a paramount object; leading to the nomination of party candidates, first by a 'caucus' of the party Senators and Representatives, and afterwards³ by 'conventions' nominally elective, but really chosen by the political wire-pullers of each faction.

The original mode of voting for President and Vice-president together entailed further absurdities and inconveniences. If many votes were 'scattered'—that is, given to candidates who commanded but a small following—the President was chosen by one party, the Vice-president, his possible substi-

² Lincoln was elected in 1860 by two-fifths of the popular vote.

³ About 1828-9, the caucus system having, as it was generally considered, signally failed in the election of 1824-5, which ended in the choice of J. Q. Adams by the House. *Vide infra*.

tute, by the other; so that accident might at any moment transfer the executive power to the nominee of the minority. If party discipline were strict, the two candidates of the majority received an equal vote; the decision fell to the House of Representatives, and party intrigue might place in the Presidential chair a man whom his supporters meant for the secondary and, under ordinary circumstances, unimportant office.

Both of these things happened as soon as the overshadowing eminence of Washington was withdrawn. First, the Federalist Adams was chosen for President, the Antifederalist Jefferson for Vice-president. Next, Jefferson and Burr each received the whole vote of their party, and the Federalists, who controlled the House, threatened out of spite to elect Burr, who had been named only to secure his electioneering influence, and whom not one in ten of his supporters had dreamed of elevating to the Chief Magistracy. These things led to the passing of the 12th constitutional amendment, under which votes are separately cast for President and Vice-president.

But another dangerous consequence which the framers of the scheme might well have foreseen has endured to the present day. The Vice-president has as such no function, except to preside over the debates of the Senate and give a casting vote when the numbers are equal. Hence the office is constantly bestowed on a mere electioneerer or local demagogue, to secure the support of a personal faction or of a particular State. The possibility of his succession is too remote to affect the choice. Yet in less than a century four Presidents⁴ have died in office, and mere chance has transferred a post more important than our Premiership to men never meant, and nowise qualified, for any higher duty than that to which they were nominated—to put the question and announce the result of divisions from the chair of the Senate.

Not the Federal, but the formal and paramount character of the Constitution imposes the highest political functions, and

⁴ Harrison, Taylor, Lincoln and Garfield.

bestows a legislative power of the gravest moment, upon the Federal Judiciary. All cases arising under Federal law belong ultimately, if not primarily, to the jurisdiction of the Federal Courts; an appeal lies to the Supreme Court whenever a point of constitutional right is raised before the State tribunals. The Federal jurisdiction extends to all cases of maritime law; all to which the United States are a party; all controversies between two or more States, between citizens of different States, and between foreigners and citizens. An amendment provides that it shall not extend to any suit prosecuted against a State by individuals. But further, the jurisdiction of the Federal Courts, and in the last resort, of the Supreme Court of the United States, extends of necessity over the Federal government, over the Executive, and over the Legislature itself, as well as over the executives and legislatures of the several States. The Federal Constitution is 'the supreme law of the land.' Neither Congress therefore, nor the State legislatures, can lay claim to what is called the omnipotence of Parliament; both are subject to express limits and prohibitions, and Congress is further bound by the rule that all powers not expressly delegated to it 'are reserved to the several States or to the people' (thereof).⁵ If Congress transcends its powers if the State legislatures invade the Federal jurisdiction, their enactments are simply null and void. No Act of Congress or of a State legislature is *ipso facto* law, and the right of interpreting Federal law gives the Federal Courts—that is, ultimately and practically, the Supreme Court—a negative on all Acts which are in their judgment incompatible with the Constitution.

This jurisdiction has been used, on the whole, not to confine but to extend the Federal authority. The first Judges of the Supreme Court were appointed by Washington and

⁵ That the last word expresses the true meaning of this important definition is plain from the whole spirit of the Constitution, the debates of the convention, the language of the *Federalist* itself, and the well-known intentions with which the States, somewhat reluctantly, accepted the scheme when laid before them and insisted on these amendments. *Vide infra.*

Adams, and were taken exclusively from the Federalist party. Under the guidance of Jay and Marshall the Court continued, for a whole generation, by decision after decision, to extend the implied powers inferred from the general clause above quoted far beyond the intentions of the States that accepted, and even of the Convention that framed it. Long after the Federalist party in Congress and in the country was reduced to insignificance, after the popular judgment had been pronounced finally and irrevocably against them, after the Anti-federalist or 'strict' construction of the Constitution had been accepted by all the States, by the Federal Legislature and Executive, the Federalists remained in possession of their judicial stronghold. Before Marshall left the bench, the Supreme Court had laid down a series of binding precedents, establishing as law for all time an interpretation of the Constitution wider and bolder than that of Hamilton himself.

The Executive Power was the chief object of popular jealousy and party distrust. To circumscribe it as far as possible was the first and most persistent purpose of the minority in the Convention, and the aim in which they seemed to themselves and to their opponents to have been most successful. Their fears were directed especially to the patronage of the President. They held, and Hamilton admitted, that corruption was the peculiar danger of a republican and democratic government; of a society in which fortunes were small and inheritances divided at death. "These anticipations have been fully verified, but not in the quarter to which they were chiefly directed. Overlooking the fact that the Senators and Representatives were to be paid, and that comparatively few of the offices required by a Government so narrowly limited in its functions would be more lucrative or more attractive to ambition than a seat in Congress, the chief fear was lest the Executive should corrupt the legislature, and the accumulated precautions related almost exclusively to this form of illegitimate influence. The only exception of importance concerned the treaty-making power. A king, Hamilton held, is identified by tradition and sentiment, by pride

and interest, with his country; he may oppress and misrule, but he will not sell her. No Power is rich enough to bribe the hereditary Monarch of a great State, but the four years' President of a Republic, a man of modest fortune, destined in his children's if not in his own person to sink into comparative insignificance and obscurity, would if invested with royal prerogatives be exposed to temptations too great for average human virtue. This was one main reason for requiring the assent of the Senate to all treaties. As if the initiative in negotiations, the draft of a treaty, or a State secret might not be worth the gigantic bribes Hamilton had in view!

The checks imposed on the Executive have, on the whole, rather enlarged and strengthened than limited its practical power, whilst seriously impairing that personal responsibility which is the surest and strongest check of all. The President's veto can be overruled by a two-thirds vote of both Houses. The absolute royal veto had, and has, never been exercised by a Prince of the House of Brunswick. As borrowed and limited by the American Constitution, it has been freely used by Washington and his successors. It might seem almost inconceivable, and it has rarely happened, that an elected President should not be supported by more than one-third either of the Senate or of the House of Representatives. Again, while the power of nomination remains exclusively in the President, the Senatorial right of rejection can hardly be effective. A factious majority might exclude from the Cabinet, from Embassies and important State offices, statesmen and party leaders whose services the President deems indispensable. But the Senate cannot prevent the corrupt exercise of his patronage, since it cannot name a substitute, and must, in the end, accept a Presidential nominee, perhaps more objectionable than those rejected.

Considering how high American party spirit runs, the fact that the power of rejection has been but little used and only at one period abused shows how difficult must be its exercise, how little restraint it could impose upon a self-willed or unprincipled Chief Magistrate. The Senatorial veto upon treaties has sometimes embarrassed negotiations of the highest importance,

sometimes endangered peace and strained the foreign relations of America; and more than once screened transactions from which an exclusively responsible President would probably have shrunk; but it would be difficult to name an instance in which it has prevented mischief. No President has ever been suspected of corruption in the conduct of foreign affairs.

The outlines of the Federal system, the relations between the States and the Union, were, in the main, the natural growth of circumstances, and therefore the strongest, soundest, best founded part of the Constitution. Natural selection, as powerful in political as in physical life, had moulded them to their environments. History had furnished the framers of the Constitution with argument and illustrations, not with a model, hardly with suggestions. Hamilton and his associates quoted, but did not imitate, the federations of Lycia, Achaia, Switzerland, and Holland; quoted the miscalled Amphictyonic League, and drew a sound conclusion from premisses ludicrously incorrect.

But the Federal government was an artificial creation, consciously and intentionally modelled upon the lines of that ancestral constitution which the Colonies had inherited, and which, in remodelling their governments, the States had closely and carefully followed. Monarchy and aristocracy were impossible, but the independence of the States furnished a basis for a Senate, intended closely to approach the character and discharge the functions of the House of Lords. The President was meant to be an elective, temporary, and responsible king.

But the Federalists, and even their great leader, looked to English law rather than to English history; sought the British Constitution in Blackstone and Coke rather than in Clarendon and Hume. And thus it happened that where they intended most closely to follow the spirit of their model, the Convention most completely departed from it. They also took, not from facts but from books, not from history but from law, the principles of a system which had grown, not been made. They borrowed the legal powers and prerogatives which had remained unaltered while the actual status of the

King and his relation to Parliament had completely changed. They overlooked the pivot of the working constitution before their eyes, and left out silently, and it would seem unconsciously, the fly-wheel of the complicated machinery of Parliamentary government. They ignored as Blackstone did, as English law does to this day, the Cabinet, through which the Princes of the House of Brunswick have governed, by which the hereditary right and personal irresponsibility of the Monarch are reconciled with the supremacy of Parliament, and the practical, immediate responsibility of the Executive.⁶ Following out the theory which lays supreme stress on the independence of the three great branches of government as the primary guarantee of liberty, the supreme security against tyranny, they forgot to observe that the independence of the Executive had led to the despotism of the Tudors, to the irrepressible conflict of the Stuart period, and had been virtually annihilated by the Revolution. So they forgot that the English judiciary was in the last resort subject to Parliament, and they created a power superior to the legislature, supreme alike over State and popular majorities, and controllable only by the cumbrous and unavailable machinery of Constitutional amendment.

They forgot in like wise that the royal prerogatives were exercised by, through, or with a committee taken from, and liable at any moment to be dismissed by, a Parliamentary majority. They failed to perceive that the presence of the Executive chiefs was as necessary as the absence of subordinate officials to the authority of the Houses. In excluding from Congress all Executive officials, from Ministers of State to Customs clerks, they exalted unawares more than they limited by all their restraining conditions that 'individual power' which was the object of their especial distrust. They borrowed the legal checks and balances,* the theoretical counterpoises and opposed absolutisms of English law; but overlooked the fact that these tremendous powers and penal responsibilities belonged to a bygone period of history, had

* George III. might be called at the time his own Prime Minister.

never been used since the Revolution, and could not be adapted to the complicated and delicate polity of modern times. They do but invest each branch of the Government with the power of bringing the whole to a deadlock; and a deadlock, endurable enough in the rough ages and simple society by and to which they were adapted, would ruin in a week the refined and intricate machinery of modern society, shatter the delicate fabric of law and order, of commerce and credit. They have been from the first as obsolete in America as they had long been in England when the Convention borrowed them from ancient history and pre-Revolutionary experience.

The President is responsible; but a legal responsibility can be enforced only by legal methods, and within strictly defined legal limits and conditions. Impeachment must be based upon high crimes and misdemeanours, upon the abuse, not the misuse of power. Twice in American history has a legislative majority, under great provocation, attempted by this means to render a great Federal magistrate—in one case a President, in the other a Judge of the Supreme Court—responsible for honest, but according to the opinion of the day, grave perversion of his functions; and each attempt has failed, and so failed as to render its renewal impossible.

The liability to be questioned and arraigned in debate, to be called to account for a strictly legal and unquestionably conscientious use of constitutional powers, the necessity of explaining their acts, of vindicating their policy, of proposing, defending, and recommending to the approval of their equals measures which require the sanction of the Legislature, at once enforce a political responsibility such as no law could impose and no court exact; a responsibility for mistaken and unpopular as well as culpable action. At the same time they give Ministers a power and weight in the closet, an independent control of their several departments, an influence in legislation, which under the American system are wholly wanting. The President can choose his Ministers as he will, or his choice is limited only by party necessities and personal

bargains of a more or less questionable character. The Senatorial negative is hardly applicable to the selection of Cabinet Ministers by the responsible head of the Government. It has very seldom been exercised, and never, perhaps, to exclude an unfit or incompetent nominee. The President is not compelled, like the Prime Minister of England, to choose statesmen who have achieved a high political position of their own, who possess the confidence of a State or electoral district, whose character, reputation, ability, and knowledge command the attention and secure the support of Congress. *He* is responsible; he—as Mr. Lincoln said—must decide in the last resort. The advice of a unanimous Cabinet cannot shelter, and therefore cannot control him. Neither a despotic Monarch nor a Prime Minister—unless one whose character and authority, like that of Pitt or Bismarck, throws his colleagues into the shade—is entitled, because obliged, to exert a personal will, to insist upon his own strong clear conviction, as is every conscientious President of the United States.

The exclusion of Ministers from Congress, again, divides the responsibility and impairs the power at once of the Executive and of the Legislature. The Secretary of the Treasury, for example, though invested with powers greater than those of any single English Minister, is not fully responsible for the conduct of American finance. His budget is referred to a Committee of Ways and Means, with which he has no recognised and public relations. They may amend, alter, or reject it; their chairman brings the financial scheme, as at last settled, before the House. The Minister cannot be heard to explain, defend, or enforce it; to resist amendments, to expound his reasons, and speak with the whole weight of the collective knowledge and experience of his department. No individual, no committee, no department is responsible for a deficit or for the use of a surplus, for the total amount of taxation or of expenditure. No one is charged to defend the national purse from extravagance, corruption, or misdirected outlay. The tendency of such a system to waste, profligacy, and jobbery of every kind is obvious; and history has verified

the worst anticipations that experience, statesmanship, or political philosophy could have formed.

The practical irresponsibility of the Executive, carefully secluded from Parliamentary questioning, leadership, and self-defence, has nullified most of the checks provided by the Constitution. The President cannot declare war; but he can make it. On all the higher appointments the Senate has a veto; for most appointments, high or low, the President or his Ministers are legally responsible; and yet, for the last fifty years the use of Federal patronage has been flagrantly, openly, avowedly corrupt beyond the corruption of the worst days of the worst European monarchies.

It has happened more than once that the Executive has been supported by a minority in both Houses; yet the President has gone his way, has sustained his Ministers and carried out his policy in contempt or in defiance of Congress. The Senate has a veto on his negotiations; but as it cannot remove the Secretary of State it cannot control, and its systematic interference could only paralyse, the foreign policy of the Government—a risk which no Assembly of practical politicians will, under any ordinary circumstances, incur. Either the House or the Senate can withhold supplies; but this, the earliest, the most universal, and once the most effective form of popular control, the origin of all Parliamentary powers, is one which no modern legislature can exert. The Federal Government of America is the only one which could thus be checkmated without dislocating the whole fabric of society; yet Congress has never ventured, and I believe has never seriously threatened, to employ this obvious and seemingly easy method of coercion or restraint.

It is said, and in a sense truly said, that the essential change effected by the Constitution drafted in 1787 was to bring the Federal Government directly into contact with the individual citizen. But the change was, prior to the Revolution of 1865, much slighter and less significant than the present generation, or the readers of popular accounts of the Constitution, are prone to suppose. To the earlier Union or

Confederation the States alone in their sovereign capacity were parties. It was by the States alone in their sovereign capacity that the new Constitution was, as only it could be, adopted, the new Union formed.

The fact that the Constitution was submitted to and ratified by conventions assembled *ad hoc* and not by the State legislatures has been urged as evidence to the contrary. The true interpretation of this point throws a striking light on the American theory of popular sovereignty. The State Governments do not represent the *sovereign* power of the State. Both the executive and the legislature are bound by the terms of the State constitution. In practical business, in external intercourse, the ordinary State authorities of course represent and act for the State. But as the very fact of written constitutions, limiting their powers, shows, the sovereignty—that absolute and supreme power which must exist in every independent community and must be vested somewhere—is not vested in the ordinary government but reserved for the people. In Athens that sovereignty resided in the assembled people. It still so resides in some of the Swiss Cantons which are small enough to permit a primary assembly of all free citizens. The reference of the Constitution of 1787 to Conventions assembled *ad hoc* established it as a part of the common constitutional law of all the States, that the sovereignty of the people could be exercised only through such a convention. To conventions so called the State constitution itself is subject. By such a convention alone, as representing the sovereign power of the State, could any part of her sovereignty be resigned or delegated. The permission to the Federal Government to act upon or give commands to individual citizens was in itself a partial resignation of that sole sovereignty which, under the Articles of Confederation, the States had jealously maintained; but that permission was narrowly limited. Substantially, if not strictly, it was confined to the power of taxation.

It was on this point that the Congressional government had obviously broken down. A main object of the new Con-

stitution was to give the Federal Government a revenue of its own; and in order to collect such a revenue authority to deal with the citizens individually, to tax not States but imported goods, internal manufactures, and property, was obviously indispensable. This being the most pressing purpose which the framers of the Constitution had in view, they were careful not to imperil it by claiming for the Federal Government any rights within the jurisdiction or conflicting with the claims of the States, not essential to this end. For the same reason they carefully avoided to define the several duties of the citizen to the State and the Union respectively. When challenged on this point by the vigilant champions of State-sovereignty, they repeatedly and explicitly declared, first that the sovereignty of the States remained untouched,⁷ secondly that the allegiance of the people would as a matter of course, of prejudice, interest, and feeling, be rendered to the States rather than the Union whenever the two might seem to come into conflict.⁸

At a late period in the history of the Union, when the constantly increasing power of the North and the bitter conflict on the slavery question had given rise to disputes and pretensions until then unknown, Webster suggested that the adoption of the Constitution was the act of the 'people of the Union,' not of the several States. After the outbreak of the Civil War, Motley laid down the same doctrine in still clearer and bolder terms. It is evident that the historian of the Netherlands had forgotten some essential facts in the history of his own country.

In a political and historical, if not in a legal and technical sense, the most authoritative commentary on the Constitution is to be found in the collection of papers known as '*the Federalist*.' That commentary was written at the time by the leading framers of the Constitution. It was written to satisfy the misgivings of their opponents, who in many States were a majority of the people. Published in the interval between

⁷ 'Do they require that in establishment of the constitution the several States should be regarded as distinct and independent sovereigns? They are so regarded by the constitution proposed.'—*Federalist*.

⁸ *Ibidem*.

submission and ratification, it furnished that interpretation upon which the State ratifications were given. Its bias was of course Federalist, and it is clear that the intention of those who ratified and brought the Constitution into being was to limit its interpretation within the narrowest bounds of the doctrine laid down by its framers. No just and candid jurist can contend for an interpretation less favourable to State-Rights than that laid down at the time by Hamilton, Jay, and Madison.

They anticipated and contradicted, as directly as language can contradict, the theory of Webster and Motley. Speaking of the ratification they hoped to obtain, they said—‘ That it will be a federal and not a national act, as these terms are understood by the objectors, *the act of the people, as forming so many independent States, and not as forming one aggregate nation, is obvious*’⁹ from this single consideration—that it is to result neither from the decision of a *majority* of the people of the Union, nor from that of a *majority* of States. It must result from the *unanimous* assent of the several States that are parties to it, differing no otherwise from their ordinary assent than in its being expressed not by the legislative authority, but by that of the people themselves. *Were the people regarded in this transaction as forming one nation,*⁹ the will of the majority of the whole people of the United States would bind the minority, in the same manner as the majority of each State must bind the minority; and the will of the majority must be determined either by a comparison of the individual votes, or by considering the will of the majority of the States as evidence of the will of a majority of the people of the United States. Neither of these rules has been adopted. Each State in ratifying the constitution is considered as a sovereign body, independent of all others and only to be bound by its own voluntary act. In this relation, then, the new constitution will, if established, be a *federal* and not a *national* constitution.’¹

The preamble of the Constitution has been perverted to a

⁹ These italics are mine; the rest are in the original.

¹ *Federalist*, No. 39.

similar purpose, and with equal ignorance or disregard of history. It purports to be enacted by 'the people of the United States.' By force of usage the plural has now become a singular, the disjunctive has been lost in the conjunctive sense of the phrase. To the statesmen of the Revolutionary generation, the former and more grammatical construction was constantly present. That the sense intended by the preamble was disjunctive and plural is clear from its history. The original draft ran, 'We, the people of New Hampshire, Massachusetts . . . South Carolina, and Georgia,' the plural 'peoples' not occurring to the scholarly draftsmen of the age. When it was believed that two or three States would refuse to ratify, and resolved that the assent of nine should bring the Constitution into force among those nine, it was no longer possible to specify beforehand the ratifying States. The indefinite phrase 'United States' was therefore employed instead of the several names; but no one supposed that the meaning or purport of the preamble was in anywise affected by the change.² As a matter of fact the ratification was given by each severally and independently, at different times, and without regard or relation to the action of others.³

In the Convention of 1787 Gouverneur Morris proposed to refer the draft constitution to a general convention of the people at large.* The proposal was dismissed at once without debate, failing to find a seconder: that is, it was regarded as monstrous, out of the pale of discussion, by the most ardent Federalists.

² The use of the phrase 'United States' to include only those which might ratify the new constitution of itself implies secession from or dissolution of the former 'United States' of the Confederation.

³ Chief Justice Marshall, the Ultrafederalist, insisted in the Virginian Convention that the State could not be sued as such before a Federal Court. 'Is it rational to suppose that the sovereign power shall be dragged before a court?' Webster spoke of the States as 'enjoying the exclusive possession of sovereignty,' and affirmed that 'the only parties to the constitution contemplated by it originally were the thirteen confederate States.' Hamilton, speaking to the same point, laid down that sovereignty remained with the States, and that the contracts between a nation and individuals are only binding on the conscience of the sovereign, applying the words 'nation' and 'sovereign' to the individual States, not to the Union.—*Federalist*, No. 81.

This *draft* of the Constitution was submitted as 'done' and 'voted' not by individuals but by the State delegations ; it was 'done in convention by the unanimous consent of the States present.' The Convention rose on September 17, 1787 ; but in the State legislatures, and in the conventions summoned by their authority to decide the question, the debates were long and passionate. Pennsylvania and South Carolina carried the ratification by about two to one. In New York, the power and eloquence of Hamilton narrowly saved his work from rejection ; the majority at last was but two in sixty—thirty-one to twenty-nine. In Massachusetts the proportion was scarcely larger, 187 to 168. The opposition in Virginia was especially formidable. Many of her leading patriots, with Patrick Henry at their head, were altogether adverse to the scheme which had been proposed in the first instance on behalf of their State and carried through the Convention, in its final shape, by her influence. The Constitution was ratified at last only by 89 votes to 79. North Carolina made her assent conditional on the acceptance of several amendments ; and a ratification so qualified was obviously of no effect. Rhode Island peremptorily rejected the new compact.

The absence of a Bill of Rights had given especial offence. One of the first measures of the reconstructed Union was the adoption of a list of amendments chiefly directed to this point : securing the freedom of religion, speech, printing, and petition, of bearing arms ; protection from free-quarters and general warrants, trial by jury, the prohibition of excessive bails, fines, and cruel punishments. Amendments 9 and 10 secured to the people all rights, and to the States all powers not expressly resigned. Amendment 11 deprived the Federal Courts of jurisdiction in private suits against the several States, a provision which neutralised some of the restraints imposed by the Constitution upon State legislation. Virginia declared that the powers granted might be resumed 'by the people of the United States,' (*i.e.* of the several States of the Union,) whenever the same should be perverted to their injury

and oppression. New York made the same reservation in terms substantially identical.

The position of the eleven States which thus repudiated their obligations under the former Confederation was exactly that of the eleven seceding States of 1861: the case of Rhode Island and North Carolina strictly analogous to that of the States which on the latter occasion adhered to the Union. The authority attached *ex post facto* to the convention of 1787, the overwhelming strength of the ratifying States, the separation of the two dissentient States lying severally near the southern and northern extremities of the Confederacy, the accidental and temporary character of the refusal of North Carolina, the insignificance and speedy submission of Rhode Island, have obscured an analogy which in history, law, and logic is absolutely perfect. The sole difference is, that the seceding States of 1787 had no complaints to make against their confederates; whereas those who followed their example in 1861 believed that the conditions of the compact had been flagrantly broken, and its benefits forfeited, its obligations released, by those in whose favour the 'last appeal' was decided. North Carolina acceded to the new Union in 1789, Rhode Island in 1790.

At the instance of Maryland, the unsettled territory claimed by the several States was gradually ceded to the Union. Virginia put forward pretensions to the whole North-West, as far as the Mississippi, but resigned them in 1787 on condition that slavery should be for ever excluded from this vast region. North Carolina ceded Tennessee on exactly opposite conditions. The limits of Georgia were unsettled. The Cherokees were in possession of her north-western domain; the boundaries between Louisiana, Florida, and Georgia were long in dispute. At a later period, Georgia followed the example of her elder sisters, and yielded the greater part of what now forms the States of Alabama and Mississippi. The separation of Kentucky from Virginia, of Vermont from New York, and at a later period of Maine from Mississippi, were arranged between the mother State and her seceding offshoot.

NOTE.—*The Theory of 1861 and the Facts of 1787.*

Mr. Motley wrote: 'The Constitution was not drawn up by the States. It was not promulgated in the name of the States. It was not ratified by the States; the States never acceded to it.' These are negations of the historical facts as direct as words could convey. Reverse its meaning, strike out all the '*nots*,' and the passage becomes an exact and literal statement of that which actually occurred, as recorded in the contemporary documents which tell us how the Constitution of 1787 was drawn up, promulgated, ratified, and acceded to. The draft, as it finally left the hands of its authors, was 'done by the unanimous consent of the States present.' Every step towards its completion had been taken by States. The first scheme was presented by Virginia, the second by New Jersey. The votes upon each clause were given by States. Every question, great and small, in Committee or in full Convention, was decided by a majority of States. Each State, however many its delegates, however large or small, voted as an integer and cast one vote only. Had the votes and transactions been formally recorded, the names of States alone would have appeared therein. The signatures, whether of one, three, five, or more delegates were written for and by States.

The Constitution was promulgated by the States in Congress assembled—each having one vote there—to the States through the several State Legislatures. By the several State Legislatures it was submitted to the sovereign power of each State: the people in State Convention assembled. It was 'ratified' by each of the States. It was ratified in such form and phrases as 'We, the delegates of the people of the Delaware State,' 'We, the delegates of the people of the Commonwealth of Pennsylvania, in the name of the people of Pennsylvania,' 'of New Jersey, chosen by the people thereof,' 'of the State of Georgia,' 'of the State of Connecticut,' and so forth. It was ratified by each of eleven States severally and independently. It was rejected by two States, and their rejection was as of course accepted and allowed. Those two States afterwards 'acceded to' it. The word is used by Washington himself; of which conclusive fact Mr. Motley was evidently unaware.

The language of the Federalist leaders contradicts Mr. Motley as sharply as if he had uttered his heresy in their presence. In truth his view was anticipated, and treated by both parties as something so utterly outrageous that the possibility of such a construction must condemn the Convention and ensure the rejection of the Con-

stitution. Antifederalists suggested that some such construction might or would be put upon it. Some even hinted that it would afford excuse for acts like those long afterwards committed by Lincoln and Seward—coercion, invasion, illegal or arbitrary arrests. The advocates of the Constitution admitted that if it could fairly be so interpreted, it stood at once self-condemned. They passionately denied that any honest man could take Mr. Motley's view. With Hamilton at their head, they insisted that ratification was the act of the States, each acting in its sovereign character. They insisted in the strongest terms on the doctrine of State Sovereignty. Fisher Ames and Gore of Massachusetts, repeatedly averred that the Senate represented 'the sovereignty of the States.' 'The Senators are in the quality of *Ambassadors of the States*.' General Pinckney of South Carolina alone presumed to question the sovereignty of the State. His State emphatically rebuked the heresy by formally asserting that sovereignty in her final ratification.

Maryland and New Hampshire declared, almost in the words of the Tenth Amendment, that all powers 'not expressly relinquished,' 'not expressly and particularly delegated,' 'were reserved to the several States:' a phrase which leaves no doubt whatever as to the meaning of the ambiguous phrase 'or to the people.' In truth, there was then no other 'people' than the several peoples of Virginia, Massachusetts, and their sister States known to American political language.

The dispute was between the great and the small States. The express purpose of the Federalists was to pacify the alarm avowed by the Antifederalists lest, through the Federal Government, a majority of the population of America should oppress a single State. The Amendments were directed to that danger, and the sole purpose of the Tenth would have been defeated had it been dreamed that in its last phrase 'the people' could mean aught but 'the people thereof.'

CHAPTER III.

WASHINGTON'S ADMINISTRATION, 1789-1797.

The Cabinet—Jefferson and Hamilton—Hamilton's complete Scheme of Finance
 —The French Revolution—National partisanship—Extravagances of Genet
 —His Recall—The Indian War—Disaster of St. Clair—Washington's Retirement.

THE Federal Government was brought into operation on March 4, 1789, by the installation of Washington, who had been unanimously elected President, and the assemblage of a Congress in which eleven States were represented by twenty-two Senators and about sixty Representatives. Most of the States assigned one member each to districts roughly equal in population. In four States, Representatives were chosen by a general vote; clearly showing that the States were in both Houses the proper subjects of representation.

The first Cabinet consisted of four members. The Secretary of State was at once Minister for Foreign Affairs, and for such limited functions of Home government as belonged to Federal jurisdiction. This important office was bestowed upon Jefferson, who had returned on furlough from Paris, where he had for some time represented his country. His language and professed opinions would in the political language of to-day be classed as Anarchist or Nihilist rather than Radical. In his ideal of strong government, no matter what its origin or basis, he went far beyond Franklin. All government was at best a necessary evil; the less of it the better. Rebellion was a wholesome symptom, the sign of popular energy and practical freedom; a thing never to be sharply repressed. Royalty was the root of all mischief; kings and priests were, like pirates, enemies of the human race. He looked forward hopefully and eagerly to their extermination by axe and rope.

The worst atrocities of the French Revolution failed to revolt his humanity, or alienate his enthusiastic sympathy. His passionate devotion to France can hardly be ascribed to patriotic gratitude. He was delighted by the cruel and wanton murder of the Prince to whom he owed it that, escaping a less pleasant if not less honourable elevation, he lived to be Secretary of State, Vice-president, and President, the leader of the victorious party, the universally-quoted prophet of democracy; the champion of States-rights and of strict construction of the Constitution; also the first to strain those constitutional powers which in their literal sense he considered extravagant and excessive.¹ He it was who remodelled the constitution of Virginia, abolishing the Church establishment, entails and primogeniture. General Knox, an honest and capable but by no means brilliant soldier of the Continental army, retained the War Department, to which the charge of the Navy was annexed. E. Randolph of Virginia was Attorney General. But as the critical task of the day, the necessity which had forced the Union upon a reluctant and distrustful people, was the confusion and seemingly hopeless embarrassment of American finances, the highest, gravest, most difficult duty was that of Secretary of the Treasury.

Washington might have found a dozen Secretaries of State, Attorney Generals, and Ministers of War, as fit for their functions as Jefferson, Randolph, and Knox. There was but one man in America competent to the tremendous task of bringing the still open accounts of the war into order, of settling and providing for its heavy and multiform legacy of debt, creating a system of national bookkeeping, restoring the credit of the United States, and providing a revenue adequate to their needs, yet not practically oppressive, nor intolerably obnoxious to the feeling and prejudice of a people, which, for a generation or more, had rebelled against every form of taxation.

Since the question of reconstruction had been mooted in the legislature of New York, the reputation of Hamilton had

¹ Bancroft's *History*, vol. vi.; *Life of Jefferson*, in the Houghton series; and Jefferson's *Letters*, *passim*.

been constantly and rapidly rising, and was now second to that of Washington alone. Washington had that kind and degree of administrative capacity, common-sense statesmanship, experience available in politics if not exactly political, in which the Commander-in-Chief who has organised, disciplined, fed, and governed an army for several years can hardly be wanting. But of constructive statesmanship, of political philosophy, of economic science and financial principle, he had at best a slight and imperfect tincture. The success of his administration was due first to Hamilton's consummate ability, and next to the President's discerning appreciation and steady support of the one thoroughly competent member of his Government. The paramount necessity of the age contributed with his own consummate powers and knowledge, the ignorance of Jefferson and the insignificance of his other colleagues, to render Hamilton, from first to last, the leading spirit of the Ministry; the master of a Congress from which he was excluded; the leader of a party held together by his unchallenged intellectual and moral supremacy, without any of the ordinary arts of political leadership; the foremost statesman of his generation, and the most striking figure in the civil history of the Union. He had satisfied the Convention and the country that the first financial resource of the Federal government must be the taxation of imports, and that of this resource it must have the exclusive control. He had gained for Congress a joint right of internal taxation—direct and indirect; and had vindicated it successfully against the general wish of the States to retain this source of revenue for themselves.

His financial statements soon made it clear that the Customs revenues alone must be utterly inadequate, and won the assent of Congress to the imposition of an excise, chiefly on spirits, in spite of just apprehensions of unpopularity; apprehensions presently verified by that, which is known as the Whisky Rebellion in Pennsylvania. His first task—a gigantic one—was to reduce to orderly system the mass of entangled accounts between the States and the Union, the several governments and the multitude of officers charged with civil and

military receipts and disbursements, which had baffled all the efforts of his able predecessor, Robert Morris. The foreign debt, chiefly held by France and Holland, amounted to about eleven million dollars, the domestic obligations of Congress to about forty-two millions. The debts of the several States, incurred for the support of the war, were supposed—for exactitude was still impossible—to range between twenty-four and twenty-five millions. None of these were funded; no effectual provision had been made even for the payment of the interest; and overdue interest formed a considerable part of the total obligations of the country.

That the foreign debt should be funded, and ultimately paid off according to its terms, was universally allowed. About the Federal domestic debt there was much controversy. Especially upon one point popular instinct was in conflict with plighted faith and positive law. The great mass of the floating obligations of Congress had been due to officers, soldiers, lenders of money and goods, and those upon whom contributions had been levied. These had been bought up very much below par by speculators, and chiefly by Northern capitalists. It was clear that the sellers had been grossly wronged. They had been compelled by necessity to part with their securities at a monstrous depreciation, and to forego one-fifth, one-fourth, one-third of that which the country owed and ought to have paid them. But this necessity had been created, this wrong perpetrated by the country, not by the purchasers. The latter had rendered service both to the original creditors in sore want of ready money, and to the country in whose ultimate solvency they had trusted, and whose credit, save for their interposition, must have fallen to zero. But now that their speculations promised to prove profitable, their claim was exceedingly unpopular. A large party wished to redress the grievances of the original at the expense of the actual creditors; to give the latter only what they had paid, with interest, and to pay the balance to the first owners. Popular feeling and judgment seldom recognise the claims arising from *risk*, when the risk is at last over. Hamfil-

ton had no little difficulty in convincing Congress that his adversaries virtually proposed to repair the wrong inflicted by the country upon its original creditors by plundering their successors. That wrong was never repaired; the domestic debt was funded in the names of the actual creditors—who were obliged, however, to forego for the present a considerable part of the promised interest.

A still more obstinate conflict arose upon Hamilton's proposal to assume the State debts. Obviously, those States which had suffered most, and exerted themselves most vigorously in the common defence, would be entitled to the largest relief; and temper and interest combined to bias the defaulting States against the claims. Massachusetts, Pennsylvania, Virginia, and the Carolinas were the largest claimants. The fact that nearly four millions were due to South Carolina alone—a sum enormously disproportionate to her wealth and population—and the position of Virginia and North Carolina upon the list, showed that the South had borne not only the brunt and havoc, but the largest share of the pecuniary cost of the war. The votes of North Carolina turned the scale against assumption; the feeling that Northern capitalists would now be the immediate gainers by Hamilton's financial scheme rendered it unpopular in the South. But Hamilton succeeded at last in arranging a compromise, by which the South assented to the assumption of twenty-one millions and a half of State debt, and the North agreed that the Federal seat of Government, now at New York, and presently to be restored to Philadelphia, should be finally located on the Potomac. A sinking fund, a decimal national coinage, of which the unit was a dollar (somewhat less valuable than the Spanish coin of that name, which had been in common circulation in the commercial States), and a national bank, to which Jefferson's party took strong constitutional objections, completed Hamilton's financial machinery.

The restoration of public and commercial credit was speedy and complete. A slightly protective tariff, wholly in accordance with the ideas and practice of the age, encouraged the

artificial growth of manufactures in a country which otherwise must have depended upon Europe for many of the necessities of life, and been consequently ever at the mercy of the great maritime Powers, and especially of England. It was an incidental, and in Hamilton's view a very important advantage of his scheme, that it bound the moneyed interest and the domestic creditors of the Union closely to the new Government and to the Federal cause.

The same consideration rendered Jefferson, who abhorred capitalists and Federalists with an equal and unreasoning hatred, hostile to the scheme and to its author. Utterly ignorant of finance, bewildered in a labyrinth of figures, and blinded by his vanity to his ignorance, he saw designed obscurity in that which was dark to him, dishonesty and corruption in the political ties created by common interests. He raved to Washington and to his own friends about a squadron of Treasury hirelings in Congress, a corrupt purpose in the funded debt, a scheme of bribery concealed in the charter of the Bank, and a whole series of political abominations; spectres evolved by his vivid imagination and passionate self-confidence from that financial atmosphere in which he alone could neither see nor breathe. His party called for statement after statement, explanation after explanation, with no other result than to overwork the Treasury, and to render Hamilton's absolute integrity and consummate skill as obvious to every competent understanding as Jefferson's incredible ignorance and stupidity.

Far from desiring to perpetuate the debt, as his opponents alleged, Hamilton held on principle, and insisted in practice, that provision should be made not only for the interest, but for the gradual and comparatively rapid extinction of every loan at the time when it was contracted or funded. The economy of the Federal government—rendered practicable by the limited sphere of its action—was such that an average revenue of four to five millions (800,000*l.* to 1,000,000*l.* sterling) sufficed for the interest of the debt at 6 per cent. and the current expenses. The cost of the army and navy

was insignificant, the former consisting of some 1,200 men, employed to garrison the frontier forts and keep the unruly tribes in check.

The excise had provoked riot and disorder in more than one quarter, and especially in some of the western counties of Pennsylvania. On the attempted arrest of the rioters, their neighbours, directly or indirectly interested in a number of illicit stills, broke into open rebellion. The local authorities were powerless; the State militia could hardly have put down the insurgents without a serious and bloody conflict. On August 7, 1794, the President, on the representation of the State authorities, warned the insurgents to disperse, called out a militia force of 15,000 men from New Jersey, Pennsylvania, Maryland, and Virginia, and at the end of September joined this army in person. Henry Lee (Light-Horse Harry), then Governor of Virginia, was entrusted with the actual direction of operations. The Governors of Maryland and Pennsylvania headed the forces of their several States. The mere appearance of so overwhelming a force cowed the insurgents. They laid down their arms; the district was occupied for some months by a strong garrison, and the insurrection was quelled without bloodshed in the field or judicial severity afterwards.

In the meantime the feuds which divided the Cabinet—Knox generally siding with Hamilton, Randolph with Jefferson—had sorely tried the President. He would fain have resigned in March, 1793, at the close of his first term, but both parties insisted that he should suffer himself to be re-elected. A crisis was approaching which inflamed to the uttermost the quarrels of the Ministry and the passions of the people; through which, perhaps, no one but Washington could have safely steered the country. The statesmen regarded the progress of the French Revolution, the horrors of the Reign of Terror, with profound disappointment, growing disgust, and serious alarm; the populace, with Jefferson at their head, displayed their passionate and unreasoning sympathy with Marat and Robespierre in a manner which threatened to in-

volve their Government in war with England, if not with a European coalition.

Washington's proclamation of neutrality excited a storm of displeasure and noisy demonstrations of Gallican feeling. The reports of Gouverneur Morris, Jefferson's successor at Paris, warned his Government that France intended to avail herself of the popular excitement to entangle the United States in acts of hostility, if not of piracy, against Great Britain. Genet, the new envoy of the French Republic, landed at Charleston S.C. on April 8, 1793, and immediately proceeded to issue commissions and letters of marque to American adventurers. The frigate in which he came seized a British merchantman, and sent her with a prize crew to Philadelphia, now the seat of government; where the populace, to Jefferson's great delight, received her with passionate enthusiasm. Before presenting himself to the President, Genet had received demonstrations, deputations, and a grand Republican dinner, at which the blood-red 'cap of liberty' was passed round the table. Immediately after, the reckless and lawless capture made by his frigate was called in question. The captured vessel was restored, but the privateers equipped by Genet were sending their prizes into American ports. The British Minister demanded their restitution. Hamilton and Knox pointed out that it was the duty of the Government to satisfy the claims of foreign nations; Jefferson and Randolph would have the issue, and therewith the choice between peace and war, left to the Prize Courts. Washington hesitated. The high-handed insolence of Genet grew from day to day more intolerable. He commissioned privateers by the score, manned and armed them in American ports, threatened that their detention should be resisted by force, and foully violated a pledge that one particular privateer should remain in port to await the President's decision.

In this last case Jefferson was either his dupe or his accomplice. A paper edited by a tool of the Secretary, Freneau, who received a salary as translator in the State department, reviled Washington and Hamilton with unsparing

violence ; and Jefferson, though loudly denying his complicity, refused to dismiss the offender. At last the Cabinet acquiesced in Washington's determination to demand Genet's recall, at a time when the French fleet was expected in the Hudson, and a vast majority of the people were manifesting every day, with louder and fiercer vehemence, their passionate partisanship, not only for France against England, but for Genet against Washington.

Apprised of the action of the Government, Genet went perfectly frantic ; threatened an appeal to Congress and to the people, and asked by what right the President ' had taken upon himself to demand the recall of a public Minister whom the sovereign people of the United States had received fraternally and recognised before their government had received him.' He further censured Washington for ' decorating his saloon with medallions of Capet and his family.' He had gone too far, and at last the people were disgusted. They had insulted and reviled the President as coarsely and shamefully as the Reform mobs of 1831 insulted the victor of Waterloo ; but this outrage on all diplomatic forms and decencies was an insult to the nation as well as to its chief.

Jefferson's party continued, as far as they dared, to support Genet ; and Jefferson himself, deeply mortified to find himself morally compelled by his official duty to quarrel with the French Minister, tendered his resignation. His last official act, much against his will, was a parting rebuke to his friend. On December 20, 1793, Genet sent him certain papers, demanding that the President would lay them and their promised sequel before Congress. Jefferson intimated that a foreign envoy could deal only with the Executive, that the President was the sole judge of his own communications with Congress ; and returned the papers. In January 1794, finding that Genet was organising armed forces to invade Florida and Louisiana, Washington resolved to supersede his diplomatic functions and actually to arrest the representative of the French Republic ; but Genet and his Government were spared this humiliation by the announcement of his recall and disavowal.

The intemperate partiality of the self-styled Republicans and their leaders for France forced their opponents into the invidious and unpopular position of advocates or apologists for England. The latter had retained a few small positions on the north-western frontier as a pledge for the payment of debts stipulated by the treaty of peace. Here the Americans were, on their own showing, the first wrongdoers. A country whose citizens were cruising under the French flag against English commerce would have had no right to complain of stringent reprisals, much less of that vigorous exercise of belligerent rights at sea which was the usual and natural course of the first of maritime Powers. The impressment of seamen from American vessels seems to this generation a clear violation of public law, at once a gross insult to the flag and a cruel wrong to individuals; but the point was not yet the paramount topic of American reclamations, and was never formally yielded by England. The moderate language of Lord Grenville, and the revocation of the more offensive English naval instructions, did something to pacify that part of the American people whom interest or intelligence rendered amenable to reason; and a large majority in the Senate approved the despatch of Chief Justice Jay as special envoy to England. But a resolution to suspend all intercourse passed the House of Representatives, and was only lost in the Senate by the casting vote of Vice-president Adams. The mission was hardly successful. The more dangerous questions were left open by a treaty which the Senate reluctantly and conditionally sanctioned; but time was given for American excitement to subside, and the immediate peril of war was averted.

In the last days of January 1795, Hamilton resigned the Treasury and devoted himself to his profession. He was, however, an influential counsellor in public and private, was still looked upon as the chief of his party, but his work was done, and he never again took a formal part in Federal politics. Randolph was now Secretary of State, Colonel Pickering succeeded to the War Office, and Wolcott to the Treasury. Jay, on his return to America, found that he had been elected

Governor of New York, and retired from the bench of the Supreme Court; a signal recognition of the paramount claim of the State by an arch-Federalist. An intercepted despatch from Genet's successor, Fauchet, captured by a British frigate and forwarded to Mr. Wolcott, contained a strange charge of corruption against Randolph; which, though followed by an equally strange disavowal, led to his resignation.

In the autumn of 1790 a serious Indian war had broken out in the region which now forms part of the States of Illinois and Indiana. In October a force of 180 men, chiefly militia from Kentucky, was led into an ambuscade. The militia fled without firing a musket. A few regulars stood fast and were cut to pieces. A larger force under the same leader was sent to avenge this disaster, and after a stubborn fight was completely defeated, and left its dead and wounded in the hands of the enemy. A strong expedition was sent against the victors in 1791, under the command of General St. Clair, Governor of the Western Territory. Washington gave him a solemn warning. 'Beware of a surprise. You know how Indians fight; I repeat it—beware of a surprise.' St. Clair, nevertheless, was surprised, with a force of some 1,400 men, including a whole regiment of regulars. The fortune of the fight was long doubtful, but, for lack of cavalry, St. Clair was unable to push his advantages. His flank was turned, his army thrown into confusion, many of the wounded left on the ground; and the remnant of a force which had lost two-thirds of its number, by far the greater proportion killed, fled for thirty miles before they dared to pause. They met and rallied on another regiment, but continued their retreat, abandoning the whole of the disputed country.

Washington received the tidings in presence of a numerous company. His distress and indignation were controlled while his visitors were present; he kept the information secret, only murmuring, 'I knew it would be so.' But when left alone with his secretary, he gave way to one of his rare bursts of uncontrollable passion, repeating the warning he had given St. Clair—and yet, he exclaimed, 'to suffer that army to be

cut to pieces, hacked, butchered, tomahawked by a surprise ! He is worse than a murderer. The blood of the slain is upon him—the curse of widows and orphans—the curse of Heaven !’ It is to be hoped that this outburst of rage, recalling that which sealed the fate of André, never reached St. Clair’s ears. Washington recovered himself at last, ‘This must not go beyond this room. General St. Clair shall have justice.’ St. Clair resigned his commission, and his defeat was retrieved by General Wayne, one of the finest soldiers of the Revolution. The House of Representatives inquired into the failure, and explicitly exculpated the unfortunate General.

Washington’s second term was anxious and unhappy. His endeavours to preserve a neutrality as loyal as the old treaty with France permitted provoked the invectives of Jefferson’s followers, the dislike of the multitude, and the bitter resentment of France ; which could not forgive America for not having taken an active part with the murderers of her benefactor. The French Government went so far as to order the seizure of British property and of provisions shipped for England in American vessels—a direct violation of treaty stipulations. The injustice of his countrymen, the ingratitude which had forgotten his military, and requited with insult and abuse his civil services, stung the President to the quick. He absolutely refused to serve for a third term ; and set a precedent which has become a part of the unwritten constitutional law of America. Retiring to Mount Vernon, his family estate on the Potomac, he lived, and not long afterwards died there ; far happier as a country squire than as General or President. Mr. Adams was raised to the Presidency, and Mr. Jefferson succeeded him as Vice-president, on March 4, 1797. In this election the sectional divergence of North and South was already visible.

CHAPTER IV.

ADAMS, JEFFERSON, AND HAMILTON.

Their Personal Characteristics—Egotist, Theorist, and Statesman—Adams' Abuse of Patronage—The French Imbroglio—Feud between Adams and Hamilton—Alien and Sedition Acts—Final Overthrow of the Federalists.

WASHINGTON had endeavoured to hold himself above and aloof from party; to assume in the fulfilment of his duties as Chief Magistrate the lofty impartiality of a constitutional sovereign. This was possible and becoming in one so distinctly the Elect of the whole nation; but even Washington carried the principle too far when he endeavoured, like William III., to select his Cabinet without regard to party, and to divide the chief offices of state among personal rivals and bitter political opponents. His own unquestioned ascendancy, the intellectual supremacy of Hamilton, the comparative importance during his first term of financial, and afterwards of diplomatic questions somewhat veiled the error; but the constant feuds between Hamilton and Jefferson, the violence with which the latter denounced the measures of the Treasury, the radical and irreconcilable opposition of the two factions on every question arising out of the encroachments of Genet and the maritime pretensions of Great Britain, hampered the action of the Administration, and showed that the experiment could not be repeated. The intemperance of the French party, the factious intrigues of Jefferson, the virulent abuse lavished by his tools and adherents upon the Government at large and upon Washington himself, forced the latter, throughout the closing years of his administration, to rely on the counsels and appear as the chief of the Federalist party.

Adams was elected by party votes; he was by nature a

bitter and somewhat unscrupulous partisan. He was the chief of a minority whose ascendancy had been established in the first instance by the intellectual and moral superiority of its leaders, but could not be maintained against the manifest bias of the people. The violence of faction, no longer held in check by the unchallenged personal supremacy and high authority of Washington, rose into sheer frenzy.

Jefferson was absolutely incapable of moderation or of justice to opponents. He was utterly devoid of that statesman-like judgment, that instinctive common-sense, which checks theory by practical considerations, and keeps abstract principles within the bounds of immediate possibility. Apart from the blindness of faction and personal jealousy, Jefferson was naturally incapable of appreciating the intellect, the character, the measures of Hamilton. Personal and party prejudice had driven him beyond the bounds of reason when he ascribed to the Federalist leader not merely an abstract preference for monarchy and aristocracy, but the practical design of introducing them into a country where monarchy was odious, whose social and political system had been recently and thoroughly democratised, and in which the very material of hereditary aristocracy was wanting, except in Virginia.

In pride, in stainless integrity, in hatred of corruption, in his dependence upon lucid argument, on the highest kind of eloquence, on his personal ascendancy rather than on the arts of the politician and party leader—in his inability to flatter individuals or bend to the people, as in the precocious development, not merely of eloquence, but of the highest powers of mind—in judgment, soundness of thought, and thorough mastery of the principles and practice of political science, Hamilton closely resembled the younger Pitt. His incapacity of fear, his disdain of concealment, his frank avowal of preferences not merely unpopular, but, as he knew and openly acknowledged, utterly impracticable, were carried to and beyond the verge of rashness. No man so scornful of all political arts ever rose so high by the sole force of moral and intellectual superiority, of genius, knowledge, profound statesman-

ship, administrative capacity, and consummate powers of exposition and argument. The daring with which he had avowed his desire for a stronger form of government, and his sense of the defects of the Constitution he had helped to frame, entitled him to the fullest belief when he declared his conviction that, though far from the best conceivable, it was the best attainable.

No one but Jefferson, probably, doubted his perfect loyalty to the work of the Convention. No one after Jefferson's death ever questioned it. His reputation, his political interest, his public influence, his position as a party leader were staked on its success. His ability and industry had conquered the first and most formidable difficulties which threatened it. History has identified his name therewith, has attributed to him above all men, and with perfect justice, the skill which framed it; the irresistible reasoning and persuasive eloquence which secured its adoption; the wisdom, patience, patriotism, and self-sacrifice, the moderation and forbearance which consolidated its strength, attracted to it a wide and sufficient support, and carried it safe through a perilous infancy. Jefferson was its enemy until its popularity was achieved—it was not in him to be the resolute enemy of any popular idea or institution, right or wrong—yet he reviled its author as a traitor to his own work; accused the most open, outspoken, and high-minded of living statesmen of foul corruption, of secret, dark, and dishonest designs; nicknamed him and his adherents 'Monarchists' and 'Monocrats'; practised on the French sympathies and anti-English prejudices of the people till he endangered the Government of which he was a member; and brought the country to the verge of war, by which, as he well knew and privately admitted, it had all to lose and nothing to gain. A passionate advocate of peace, he traded on and pandered to the cry for war, and when peace seemed to depend upon preparation for hostilities, refused to the Government the means of defence.

Confronted by an unscrupulous Opposition under such a leader, Adams devoted his power and patronage as President

to strengthen his party, yet sacrificed their best interests to his personal jealousies and grudges. Hamilton, though withdrawn from public life, was their recognised chief and favourite counsellor. Adams's selfish and fretful temper could not endure a reputation higher, an influence stronger than his own. He ignored Hamilton's claims and neglected his advice, affronted him and slighted his adherents, till he not only deprived his Government of the benefit of Hamilton's wisdom, experience, and influence, but, in despite of his rival's forbearance, practically divided the party.

As the relations with England improved after the settlement effected by Washington, those with France were more and more strained. The Republic was intolerant of neutrality, and infuriated against an American Government which endeavoured to render that neutrality genuine and even-handed. James Monroe, the future President, had proved ill-qualified for the grave and delicate duties of diplomacy. Washington had recalled him, much to the annoyance of the French Government; and Pinckney, sent as his successor, had been insolently dismissed. President Adams found himself involved in an angry controversy with a Government so reckless, so contemptuous of the old-fashioned restraints of public law, that at any moment some high-handed act of theirs, some collision unforeseen or accidental, might plunge the two countries into war. France regarded the Federalists as her enemies. Their leaders looked with distrust upon the results, with abhorrence and disgust upon the crimes, with aversion and alarm upon the wanton aggressions of the French Republic.

Despite the British sympathies imputed to him, Hamilton was constant to his professed conviction, that America had little interest in, that it was her policy to hold herself strictly aloof from, the quarrels of Europe. A war against France must inevitably ally her with the military despotisms of the Continent and the reactionary Government of England. Such an alliance was unnatural, alien to her feelings as contrary to her interests. He thoroughly approved the determination of

the President to make a vigorous effort to preserve the peace by sending to Paris a special commission of the gravest character and authority. Hamilton had recommended the choice of men who would carry weight and conciliate opposition at home and abroad : with Pinckney, some *Northern* Federalist and *Southern* Democrat of the highest standing. Adams, in perverse contradiction and wilful defiance, appointed a distinguished Virginian Federalist, Marshall, and an insignificant Massachusetts Democrat ; neither of whom would conciliate France or satisfy the Democratic party.

But the French Government threw away a game which patience and prudence must have won : first by insulting the envoys, next by a private attempt to extort from them a large bribe for the Directory, finally by an ignominious dismissal, a decree flagrantly violating the maritime rights of neutrals, and the destruction of an American vessel by a French privateer. The philo-Gallic majority in Congress demanded information, and obtained it to their cost. The revelation of French insolence and corruption overwhelmed them with shame, and excited a storm of indignation. The Federalists were completely triumphant, carried all their proposals for the national defence, and at the next election found themselves supported by a strong party majority in Congress.

But Adams flung away his advantage in sheer personal spite and petulance. Washington accepted the command-in-chief on condition that he should be allowed to choose his staff and the general officers who were to serve under him. He recommended Hamilton for the second place ; which, as Washington was only to take command on service, involved the charge of creating an army, of its organisation, military code, equipment, discipline, and of all the preparations for war. The President transmitted Washington's nominations to the Senate, which confirmed them ; he then turned round, and insisted that the officers should take rank according to their seniority in the dissolved Continental army, thereby relegating Hamilton to the fourth place. In vain was he reminded that, by the rules of that army, the Senatorial confir-

mation was conclusive, and Hamilton's position already established. Adams insisted, induced Knox to claim his seniority and throw up his commission, quarrelled with his Cabinet; and only yielded at last to Washington's threat of resignation.

Hamilton once more abandoned his profession, in which he was labouring anxiously and successfully to make provision for his family, and devoted himself to his new task. His genius for organisation, though applied in a wholly novel direction, amply justified Washington's choice. He drew up a scheme of military organisation and discipline complete in principle and detail, apportioning officers and men among the States, providing for a commissariat, arsenals, and ordnance, a medical establishment, and a system of fortification. His military plans, based upon the reasonable assumption that France could not and would not attempt to wage war on the American Continent, were directed to wrest Louisiana and Florida from her Spanish ally. His arrangements received the cordial approval of Washington and the sanction of Congress. Called into council by the Cabinet, its financial scheme and naval preparations were virtually directed by him.

But the prudence of Talleyrand took the alarm in time; and Adams, to the great disgust of the Federalists at large, snatched with undignified eagerness at the first indirect opening thus afforded. He hastened to appoint a successor to the Ministers whom France had ignominiously dismissed. Hamilton, though provoked by the President's repeated slights, kept his temper, restrained the indignation of his partisans, who were disposed to revolt openly from the Government, and obtained the appointment of a suitable Commission instead of the single and very incompetent Minister selected by Adams.

The Federalists were foolish enough to strain in a most unpopular direction their temporary ascendancy. Without Pitt's reasons, and free from the external and internal dangers that threatened England, they proposed Alien and Sedition Acts so intemperate and violent that Hamilton protested, and insisted upon their modifying both. Thus modified, they were carried with his sanction; as was also a law requiring

fourteen years' residence prior to the naturalisation of foreign settlers.

It seems strange that a leader so temperate and so sagacious as Hamilton should have sanctioned measures so needless, and placed so terrible a weapon in the enemy's hand. Evidently the intemperate and frantic language of the Democratic leaders had disturbed his judgment. As they accused him and his party of truckling to England, and of endeavouring by corrupt means to pervert the Constitution in a monarchical sense, he suspected them of a design to remodel it on French principles, and to sacrifice the interests, the policy, and the commerce of America to an offensive and defensive alliance with the French Republic.

Jefferson saw and used the fatal advantage given him by the one great mistake of Hamilton's career. The concessions of France, the maritime policy of England, the Alien and Sedition laws had turned the tide of public feeling. The revulsion was sudden and extreme; the language of the Democrats, and even of their leaders, was so violent and menacing that foreign observers, unfamiliar with the habitual intemperance of American party strife, might well have anticipated an immediate appeal to force. The legislatures of Virginia and Kentucky, in resolutions drafted by Madison and Jefferson respectively, denounced the measures of the Administration as unconstitutional and tyrannical usurpations, and asserted their right and readiness to resist. If the words 'nullification' and 'secession' were not employed, the doctrine afterwards famous under those names—'the right of each State party to the Federal Compact to judge for herself as well of infractions as of the mode and measure of redress,' a claim obviously extending in the last resort to the right of withdrawing from the Union—was laid down with almost startling directness. And one of the recalcitrant States belonged not to the number of the original Confederates, but to that new class which, as the later champions of Federalism have argued, owed their very existence to the Union, and could not therefore pretend to a prior and superior sovereignty. Ken-

tucky assumed, and assumed without challenge, a sovereign position and reserved rights identical with those of Virginia and Massachusetts.

The State elections of Pennsylvania were carried by the Democrats. Aaron Burr, a low political intriguer, of a type then new, but long since too common and too powerful in America, wrested from Hamilton his own State of New York. Fresh quarrels in the Cabinet and out of doors exasperated the internal feuds of the party. Adams stigmatised Hamilton as acting in the interests of England; and Hamilton's courteous request for an explanation, twice repeated, was insultingly ignored. The result was that Adams's tenure of office was cut short at the close of his first term. At the election in the autumn of 1800 Jefferson of Virginia and Burr of New York severally received the whole electoral vote of the Democratic majority. The choice was thus transferred to the House of Representatives. The disappointed Federalists were disposed to avenge themselves on their opponents at the cost of their country by placing Burr in the chair; but Hamilton, who knew Burr's character, and knew also that Jefferson was the real choice of the people, resolutely withstood this factious design, and secured the election of his great rival.

This last and noblest act of a noble and stainless career ultimately cost his life. Burr was henceforth Hamilton's inveterate personal enemy, and in July, 1804 forced a challenge upon him, and committed political assassination under the chivalrous forms of the duel.

The seat of Government was finally removed to the unfinished capital on the left bank of the Potomac during the later part of Adams's term. The city called by the name of Washington was then a rude village surrounding a few showy public buildings. Incompleteness, awkwardness and incoherence, want of proportion, tasteless splendour and intrusive squalor have always been its characteristics; and American disappointment has conferred on it the appropriate epithet of 'the city of magnificent distances.'

CHAPTER V.

REACTION. JEFFERSON'S FIRST TERM, 1801-5.

Federalist Suicide—Petulance and Perversity of Adams—Jefferson's Retaliation—Political Removals—Ostentatious Simplicity—Rising Statesmen—Randolph of Roanoke—Pretensions of the Judiciary—Impeachment of Judge Chase.

JEFFERSON neither acknowledged nor requited the loyalty and generosity of his antagonist, nor did he ever forgive Burr's secret participation in the intrigue which Hamilton had baffled. His language during the protracted struggle was tinged by his usual extravagance. He accused the Federalists of intending to postpone or prevent an election, with a view to retain power in their own hands; and blustered about an armed revolt of the Middle States. The completeness of his triumph mollified, and the responsibilities of his great office somewhat sobered him. His political language, from his installation to his death, would have deserved high praise, especially as coming from so vehement a partisan, had he not left behind him memoirs in the worst spirit of his worst days; a series of posthumous libels, calculated to blacken the fame of all his most eminent contemporaries, kept strictly secret while the calumnies might have recoiled upon himself, and published only when the victims were long dead, the facts forgotten, and effectual refutation impossible.

Adams's policy was even more damaging to his party than his military administration during the war had well-nigh proved to his country. His quarrels with Hamilton had broken their ranks, dissolved their discipline, and thrown the direction of their policy into the hands of inferior, and sometimes unworthy counsellors. The superiority of tone, reputation, and political morality which disguised and compensated

their numerical weakness was impaired, if not wholly lost. Adams himself was, from his first appearance as a local demagogue to the close of his public career, a restless, unscrupulous, vindictive intriguer. At his instigation the Federalists had used their temporary ascendancy to establish, in the public departments and in the Judiciary, political strongholds which might resist the adverse current of public opinion, the decidedly Antifederalist tendency of the national will. They had established a number of inferior Federal Courts, and appointed twenty-three Federalist judges, besides the five who, with Marshall at their head, occupied the bench of the Supreme Court.

The violence and unfairness of the Federalists recoiled upon themselves. It offended the country, it provoked retaliation and justified reaction. Technically the new Courts were supposed to be beyond the power of Congress; the judges at least had an indefeasible right to their salaries. But the abuse of power by the moribund party was so gross that common sense and public feeling sustained the next Congress in sweeping away the new judiciary. The last months, and even the last hours, of Adams's term were spent in filling up with creatures of his own party every newly created post, every timely vacancy. Except those which had been filled while Washington still strove to hold the balance even, every office under the Federal Government—from Under-secretaryships of State and Justiceships of the Supreme Court to post-offices, clerkships, usherships and marshalates in the courts—was held by a Federalist. The victorious Democrats claimed their fair share of the patronage. The new Administration felt that it could hardly govern through the agency of departments filled with its enemies; that full effect could hardly be given to the declared will of the country, while every judge, attorney, and official of the Federal tribunals held the opinions and favoured the interests of the defeated faction.

Jefferson acted with more moderation and principle than might have been expected from a statesman who had reluctantly accepted the Constitution, who knew that the sense he put upon it was that in which the country had adopted it;

who held that the popular will was the supreme law, felt that it was on his side and would sustain him in any retaliatory measures that the high-handed and unscrupulous actions of his antagonists might seem to have provoked. He treated all appointments made by Adams after the result of the election was known, except those which were legally held for life, as null and void. Besides these, in the first two years of his term, he removed twenty-six officials without cause, avowedly to make room for a certain number of Democrats in the Federal service, and dismissed every official whom he accused of unwarrantable interference in elections. If in this respect he did not hold the balance perfectly even, he laid down a general rule, and rebuked if he failed to punish the excessive political activity of his own official partisans.

His biographers ascribe the storm of personal imputations and attacks upon his private life which disgraced the Opposition press to his refusal to dismiss an official who edited a Federalist journal in favour of a wretched creature of his own. Jefferson had never entered into the arena of printed controversy. To do so would have been to challenge Hamilton, and Hamilton could have crushed him at a blow. He employed or inspired libellers of the vilest class; and in his interest Cullender had heaped the foulest imputations upon the Federalist leaders, from Washington and Hamilton downwards. This wretch now turned upon his employer, and circulated a series of charges against Jefferson's private character, which were eagerly taken up by the Opposition journals. Much of the mud they cast stuck, probably because there was just so much truth as deterred the victim from making the whole truth known. In a similar case Hamilton, with infinite pain and humiliation—the bitterer that he was a beloved and revered husband and father—had cleared himself of an imputation thrown on his integrity by confessing the history of an illicit amour. The charges against Jefferson were infinitely grosser; but he maintained a perfect silence, which, whatever its motive, became the dignity of the President of the United States.

Of that dignity he was not otherwise careful. Washington and Adams had maintained a certain simple but orderly state in public receptions and diplomatic intercourse, and especially on great ceremonial occasions. Jefferson had ridiculed them, and chose to present in his own conduct a signal contrast. Adams sulkily left Washington on the last night of his term. His successor rode down alone to the Capitol, tied his horse to the fence, and walked into the Senate Chamber to deliver an extravagantly rhetorical address and take the oath of office. He received the British Minister in a narrow lobby, in slippers, and in dress ostentatiously slovenly if not actually dirty; a dress in which no Virginian gentleman, no well-bred New England merchant or landowner, would have appeared at his own table. Such was his common practice, thoroughly consistent with the offusive rhetoric and exalted platitudes of his public addresses, his studious assumption of all the arts of the professed courtier of the mob. To men of taste and education, there was a deeper and more engrained vulgarity in his ostentatious simplicity and theatrical slovenliness than in all the antiquated parade of the Escorial itself.

The organisation of his Government brought to the front, in the positions they were to hold during the second period of American history, the three foremost statesmen of the rising generation; the destined leaders of the Democratic party in the first stage of its long career of ascendancy. Madison had been associated with Jay and Hamilton in the production of the 'Federalist.' His work had shown that he could never be Hamilton's rival, could never take the first place among the leaders of that party. Nor could he rival Jefferson; but Jefferson was a much older man, and measuring himself with those whom Jefferson's ascendancy obscured, Madison might well hope to be his successor. It was obvious, moreover, to a far less shrewd politician in what direction the tide of public favour, and especially of Virginian opinion, was tending.

By the time that parties were distinctly ranged in irreconcilable antagonism, Madison had found his place among the

* At that time commonly called Republican.

Democrats, and stood second, though at an infinite distance, to their great chief. Jefferson was, by right of immeasurable superiority in practical genius, in political tact, and in popular influence, the despot of a party which contained at that time no statesman at once of thorough knowledge, sound judgment, and powerful intellect—no man comparable to Jay or Marshall, much less to Hamilton; and Madison was the serviceable and obedient follower of Jefferson. The Secretaryship of State marked him out as his chief's political heir. Gallatin of Pennsylvania, a Swiss immigrant of good family, had led the Democrats of the House of Representatives in their attacks upon the finance of Hamilton's by no means brilliant successors; and had won an unquestioned right to the Secretaryship of the Treasury. His removal left the leadership of the House open to the youngest and cleverest of the numerous school of statesmen and orators who maintained for a whole generation the undisputed ascendancy of Virginia; the most striking, strange, and brilliant figure, the most eccentric and tragic character in the history of American politics; John Randolph of Roanoke.

Bard, sage, and tribune! in himself
 All moods of mind contrasting—
 The tenderest wail of human woe,
 The scorn like lightning blasting:
 The pathos that from rival eyes
 Unwilling tears could summon;
 The stinging taunt, the fiery burst
 Of hatred hardly human.
 Mirth sparkling like a diamond shower
 From lips of lifelong sadness;
 Clear picturings of majestic thought
 Upon a ground of madness!

When, a few years before, the position taken by his mother State at Jefferson's instigation seemed to threaten the disruption of the Union, the Federalists had appealed to the most resolute and most distinguished of their original opponents, the greatest of Revolutionary orators and agitators,

Whittier.

Patrick Henry. The veteran patriot and Antifederalist had responded to the call, delivered a passionate harangue against disunion and civil war, and menaced his revolted countrymen with an army led by Washington himself. His eloquence and his authority quelled for a moment the stormy audience who looked to him as their natural leader. John Randolph, a youth of twenty-six, unknown in politics, sprang forward to confront the man he 'revered as his political teacher and father,' and with passionate fervour denounced the unconstitutional measures of the Government, the insolent menace, the tyrannical invasion of the selfsame rights which Virginia, with Henry at her head, had maintained against all the power of England. He restored the convictions, roused the pride, and revived the courage of the startled and dismayed multitude, and carried the threatening resolutions in the teeth of the great orator. At the next election his district sent Randolph to Congress, and never but once during his long, erratic, and melancholy life, did his constituents desert him.

The organisation of Congress reposes extraordinary powers in the Speaker. He appoints the various Committees, whose chiefs, in the absence of Ministers, are charged with the conduct of departmental legislation and administrative business. The Chairman of the Committee of Ways and Means, if a man of ability and authority, is the natural leader of the House; and to this great position the admiration of Macon of North Carolina advanced the young champion of States-rights in December 1801, at the age of twenty-eight. Randolph fully justified the selection. Unlike the majority of his party, he had a profound confidence in himself and the principles he professed; thoroughly understood and consistently carried them to their extreme logical consequences. But he had, as yet, an equal faith in and enthusiastic admiration for the arch-champion and prophet of democracy. Young and inexperienced as he was, no man then living could have served more loyally or more effectively the objects of the Administration; which was compelled to trust to him the conduct in debate, not only of important executive business, but of great political

designs. A disciplined majority was ready to vote everything that Jefferson desired, but made a very poor figure in debate. The minority of veteran debaters, formidable by knowledge, experience, and ability, found their match in the extraordinary powers which compensated and obscured the great defects of Randolph's political education. He had always the courage of his convictions; preferred them to party and personal interest. He would have gone much further than Jefferson dared venture, but he was controlled for the present not only by his faith in the President, but by the strength of the adverse party in the Senate.

He carried triumphantly the repeal of the new Judiciary Act. He recognised in the Supreme Court, packed as it had been, the party stronghold of Federalism, the insuperable obstacle to the triumph of Democratic principles. The Legislature might pass Act after Act, resolution after resolution, interpreting the Constitution in a Democratic sense; a vast majority of the people in a great majority of the States might insist upon States-rights in their broadest aspect; but Marshall and his colleagues had a monopoly of the interpreting power, could make a body of constitutional law binding on their successors, and forge weapons ready to the hand of future Federalist majorities. A narrow majority of the States, containing a majority of the population, might one day elect a President and Congress obedient to their will, and determined to override the restraints which those who sanctioned the Constitution believed themselves to have imposed; could deprive the several States of privileges which, in adopting the Constitution, they unquestionably meant to reserve.

It was early obvious that the balance of power tended northwards; that the North might soon and must ultimately have a majority both of States and population. If the South had not believed that the Constitution secured her absolutely against such powers as the Supreme Court was gradually creating, she would never have subjected herself to the prospective possibility of being taxed for the benefit and governed by the votes of a distinctly antipathetic section. This

sectional jealousy was anterior to and independent of the slavery question. It was visible in and before the Convention of 1787,* and in the first Congress. It is seen in the balanced admission of new States, while as yet most of the Northern confederates were Slave States. Massachusetts alone had abolished slavery before the close of the Revolutionary war. The admission of Vermont in 1791 gave the North eight States against six. The admission of Kentucky in the next year and of Tennessee in 1796 restored the balance; but the North-Western Territory was rapidly filling up. Ohio had already fulfilled the conditions entitling her to admission, had the population which would give her a representative in the House, had organised a State constitution and government; and in 1802 gave the North a majority of two in the Senate, an advantage retained for the next ten years.

A judgment which he regarded as scandalous inflamed Randolph's natural indignation, and impelled him to attack the enemy in their strongest and most dangerous positions. A company of land speculators had obtained from a corrupt majority in the legislature of Georgia a grant of five million acres in the neighbourhood of the Yazoo River. The people of Georgia dismissed the grantors and repudiated the grant, offering back the purchase money. The weaker or more honest among the purchasers accepted the offer; the greedier and more powerful insisted on their legal pretensions. Meanwhile Georgia, following the example of Virginia, had resigned the vast western territory she claimed, including the Yazoo lands, to the Union. The Supreme Court sustained the Yazoo grant, refusing to investigate the means by which it had been obtained. The monstrous logical and practical consequences of such a decision seemed to warrant the Opposition in imputing it to partisan feeling; though the high character of Marshall puts conscious dishonesty out of the question. The speculators endeavoured to carry a compromise through Congress. The Administration was favourable or indifferent, the Federalists and the Northern Democrats, controlled by the moneyed

* Madison's Papers (Gilpin), 1004 *et seq.* Elliott's Debates.

interest, were on the side of the grantees, and Randolph's stern integrity had to fight an uphill battle. In two successive sessions he defeated the majority and succeeded in reserving the question for popular consideration and the discussion of an uninfluenced House.

In his first attack upon the Judiciary—the impeachment of a superannuated and almost imbecile Judge of inferior rank—Randolph was openly supported by Jefferson and was successful. The precedent seemed to establish the doctrine that impeachment might be grounded on mere unfitness, without alleging specific crimes or misdemeanours; but the Senate had been guided rather by the special circumstances of the case, and the absence of any other means of removing an imbecile or lunatic Judge. The next attempt was privately suggested but not publicly supported by the President. Several acts of Judge Chase of the Supreme Court had given great and just offence, but the occasion of impeachment was a charge in which Chase denounced the whole course of Democratic legislation, and directly accused Congress of sapping the foundations of the Constitution and the Union. Such a charge would have fully justified an address to the Crown for the removal of an English Judge; but the independence of the Federal Courts had been secured by rendering impeachment by the House, sustained by two-thirds of the Senators present, the sole means of dismissal. This immunity might seem to imply that any gross abuse of the position, such as an over-display of political partisanship or an insult to the other branches of the Government, was meant to be impeachable. But Randolph did not choose to rely on this ground alone. Supported by the House, he impeached Judge Chase on a long series of counts going back many years, of which only two related to the offensive charge. Such a mistake alone would have been fatal, but the impeachment was as badly sustained as it was unfairly and clumsily drawn; and Randolph's defeat virtually established the claim of absolute irremovability which he had sought to overthrow.

In a minor conflict Jefferson's quick tact secured a victory. In Burr's case the Supreme Court subpoenaed the President as

a witness. Jefferson observed that such a claim might cause the Chief Magistrate, the highest officers of State or the Judges of the Supreme Court to be absent from their duties, and detain them for months in a remote part of the Union. This was a *reductio ad absurdum*. The President did not appear, and the Court owned its inability to enforce the summons.

CHAPTER VI.

FOREIGN POLICY. PURCHASE OF LOUISIANA.

he Trans-Mississippi Province ceded by Spain to Napoleon—A helpless Prize to England—Change of Napoleon's Views—The Purchase—Florida—Berlin Decrees and Orders in Council—The Embargo.

THE greatest measure of Jefferson's administration was denounced at the time, and has been considered by the great majority of American historians and jurists, as a flagrant violation of Democratic principles; a signal example of the free or Federalist construction of the Constitution. Jefferson himself so considered it, desiring that Congress should apply for an Act of Indemnity in the form of an *ex post facto* constitutional amendment. He was content, however, with its cordial ratification by that popular will which he seems to have regarded as supreme over the Constitution, which never in his time came into conflict with State-rights, and whose obvious incompatibility therewith seems never to have occurred to him.

In 1802 he learned that Spain had transferred to France the indefinite territory of Louisiana. The possession of this country, including New Orleans and a small district on the eastern bank of the Mississippi, enabled its ruler to close the mouth of the river, the natural and only available outlet for the commerce of Kentucky and Tennessee and of the rapidly growing population of the North-West. Long disputes with Spain had been settled in 1795 by a treaty which gave the Americans not only the right of navigation, but the use of New Orleans as a port and depôt. It might be doubted whether the new Government of France would observe that treaty. At any rate, the transfer of such a possession from a

weak and tottering State to the greatest and most aggressive of European Powers, the danger of collision, the disappointment of expectations none the less natural and reasonable that they could not be openly avowed, seriously affected American interests. Monroe, who then represented the United States at the Court of the First Consul, gave perhaps the most signal proof of shortsightedness in a long career of failure, when, without instructions, he declared that the change was a matter of indifference to his Government. He might have known that that Government had previously intimated its intention to interfere, if Great Britain should think of purchasing or conquering the Spanish possessions in the neighbourhood of the United States.

Jefferson, who regarded not only Louisiana and Florida but Cuba and Canada as the destined and proximate inheritance of his people, was anxious to purchase New Orleans. Napoleon, bent on acquiring for France a new colonial empire, was at first disposed to reject the idea with indignant contempt. But the breach of the Peace of Amiens brought home to him what a far less sagacious statesman might have seen before—that France could hold trans-oceanic possessions only by sufferance. Louisiana, like her West Indian Islands, must, on the outbreak of war, fall a helpless prey to the mistress of the seas. ‘They have twenty ships in the West Indies!’ he exclaimed to Talleyrand. He wanted money and wanted to get rid of Louisiana. True, he was pledged not to sell it without the assent of Spain; but he and Jefferson treated with equal disdain the rights which Spain could not enforce. The agents sent to chaffer for a few square miles at a maximum cost of two million dollars agreed to purchase an empire for eighty million francs. One quarter of the purchase money went to satisfy American merchants whose claims on France her Government was more willing to acknowledge than to meet.

Randolph vigorously supported and Congress heartily approved a transaction, the advantages of which, both direct and indirect, overbore all technical and theoretical objections.

The President might have pleaded imperative if not instantly obvious necessity. Had Louisiana been left to be contested by France and England, the United States must have been speedily involved in the war. The vast and fertile regions which neither rival could occupy would not long have been left waste. The restless pioneers of American enterprise who had already reached the Upper Mississippi would soon have crossed it; and their Government, which could neither restrain nor repudiate, must have protected them, and would have been entangled by them in a quarrel equally unjust and inconvenient.

Nor was the constitutional objection so telling in a practical as in a technical aspect. The Union already possessed vast unpeopled territories; it mattered nothing if these were doubled in extent. The position of the original States was equally affected by the admission of new confederates on the east and on the west bank of the Mississippi. On the other hand, the sectional balance, endangered by the rapid filling up of the North-West, might be redressed by the formation of States with Southern interests and Southern tendencies, such as would be formed out of the part of the ceded territory which was likely to be first peopled. The present inhabitants were aliens of French and Spanish blood, but their number was insignificant; and, long before they could claim to be formed into a State and to exercise the powers of American citizens, that scanty population would have been swamped and absorbed by American immigrants. There was already a far larger population of other than English blood in New York, New Jersey, Delaware, and South Carolina, an element long since thoroughly assimilated by the growing English nationality of the Atlantic States.

Nor, even as a possible precedent, was the purchase practically objectionable. Ambitious patriots contemplated the speedy absorption of Florida, but the population of Florida was also insignificant. If Jefferson dreamed of annexing Canada it must be at a period by which Canada herself would be thoroughly Anglicised. Neither as a Southerner nor as a Democrat,

then, does Randolph seem to have forgotten or forsaken his principles. There was nothing in the western, there would be nothing in the southern extension of the yet unorganised Territories from which further States might be carved, irreconcilable with that strict construction, that State sovereignty, those Southern interests of which he was throughout the consistent and unwavering champion.

The purchase of Louisiana was the one signal event of Mr. Jefferson's first term. He was re-elected in 1804 by an overwhelming majority. Clinton of New York succeeded Burr as Vice-president. Massachusetts, the stronghold of Federalism, was carried by the Democrats. Pinckney and King, the candidates of the Opposition, received but fourteen votes in all the electoral colleges. The first incident of the second term was a grave dispute with Spain about the unsettled boundary between Louisiana and Florida. Jefferson endeavoured to pave the way for a second purchase by bellicose menaces, breathing war in his annual message (answering to a parliamentary Speech from the Throne) and whispering peace in a secret communication in which he asked for two millions of dollars, nominally to be paid to Spain, really to satisfy French claims on that country. France was, in consideration of a sum of which this was the first instalment, to bully Spain into the sale.

The first effect of these indirect manœuvres was to revolt and disgust Randolph, who refused to do Jefferson's dirty work, denounced the whole scheme as a shameful mixture of bullying, bribery, and blackmail, and quarrelled finally with the Administration, with Madison, and with the Democrats. Henceforth he stood alone; the scourge of all jobbers and intriguers, the terror of each party in turn, a versatile fanatic, a chivalrous purist, whose wayward honesty and fantastic honour none could trust, a dangerous enemy and yet more dangerous friend; a man whom everybody hated, yet to whom everything was permitted and everything forgiven.

Jefferson soon and bitterly missed his support. The victory of Trafalgar in October 1805 left England undisputed

mistress of the seas. Fighting alone against the most shameless, unscrupulous, and aggressive of conquerors, for the law of nations, the freedom of Europe, the common interests of humanity, and standing in that cause with her back to the wall, she naturally used her one effective weapon in desperate earnest, with a contempt of technical scruples which presently rose into something like tyranny and insolent disregard of all law but that of the strong hand. Strict respect for neutral rights was impossible when nearly all the so-called neutrals of Europe were the vassals of her enemy. America alone was really neutral, and her neutrality was necessarily favourable to France. She alone could pretend to trade with ports under French control—the carrying trade of Continental Europe was in her hands. Through her alone could France and her subject allies obtain those Oriental, West Indian, and South American luxuries which had become almost necessities of daily life. But for her, England would have held the Continent in blockade with comparative ease and certainty. England had no need for her trade and no wish for her friendship. She was doing more harm as a neutral than she could do as an open enemy.

Order after Order in Council, straining the rights of maritime belligerency, and fixing a tighter grip on the throat of neutral traffic, were echoed by decrees yet more lawless and incomparably more absurd from the Master of Europe. None but a contraband trade was possible. American vessels were placed between the Scylla of British capture and the Charybdis of French forfeiture. Compliance with the rules of one belligerent incurred seizure by the other. Meanwhile French privateers and English cruisers transcended even the extravagant orders of their respective Governments. British officers asserted the right of impressing British sailors on board American merchantmen. Impressment harassed and hampered English merchant-ships, while their rivals, manned by British deserters, stole away their trade. The thing seemed intolerable; and had the remedy been carefully confined to the arrest of genuine fugitives from impressment, in

private ships and on the high seas, America might have contented herself with protests and remonstrances. But every British commander was the sole judge of nationality, and a judge in his own cause. It was alleged, with monstrous exaggeration, that thousands of American-born seamen had been forced into our service and many hanged as deserters. For one American forced into an alien service, there were twenty Englishmen in that of the United States. But England's unresisted pretensions were pushed step by step into absolute and intolerable outrage. American vessels were captured in their own waters, and not only carried into port for adjudication, but sometimes plundered and sunk at sea. This practice, perfectly legitimate in the case of enemies, was little better than piracy towards neutrals; who were by the law of nations, even as England read it, presumably innocent until condemned in her prize courts.

Congress decreed in 1806 a trivial measure of retaliation, prohibiting the importation of certain articles from the British dominions. Less than a month afterwards H.B.M.S. *Leander* fired into an American coaster near Sandy Hook, New York, and killed one of her crew. The President ordered the offending vessel out of American waters, and issued a warrant for the arrest of her commander. This impotent formality was rendered yet more ridiculous by a diplomatic apology. America had no navy, and Jefferson would not build one. He bragged about treating the Gulf Stream as American waters and putting down hostilities therein, while his only maritime force consisted of some few dozen gun-boats; which on the approach of an enemy were to be launched and manned by local volunteers, and would have been sunk of course in squadrons by a single British frigate.

In June 1807 H.B.M.S. *Leopard* fired into the American frigate *Chesapeake* just outside Hampton Roads. Several of the frigate's crew were killed and wounded. Taken unprepared, she struck her colours; and four of her sailors were carried off and one of them hanged as a deserter. The outrage was disavowed, but the policy of both belligerents grew

more and more high-handed. France was at least equally to blame, but France had not the means to invade American harbours and insult the national flag. Still Jefferson shrank from war. At his instance Congress laid an embargo on all American vessels, detaining them out of harm's way in their own ports. As against France, such a measure might have been effective; directed against England, it was simply ridiculous. It did her work for her, blockaded the ports of the Union more effectually than her whole navy could have done, stopped the contraband trade she could not suppress, and gave her merchant marine a monopoly of the world's traffic.* It established, moreover, a constitutional precedent incompatible with Democratic doctrines. Massachusetts and Connecticut protested, disobeyed Jefferson's requisitions, and began to talk about secession. The American Minister offered Mr. Canning a repeal of the embargo in exchange for that of the Orders in Council, and severely tried the gravity of the Foreign Secretary. Napoleon issued a decree for the seizure of all American vessels found afloat, to aid a friendly Government in enforcing their own law!

At last, on March 4, 1809, the embargo expired with the Presidency of its author; and Madison, his Secretary of State, succeeded him in the Chair. Jefferson said and fancied that his powers were failing him, but he lived for seventeen years longer, the patriarch and prophet of the Democratic party, and died at the age of eighty-three; impoverished and embarrassed,¹ but otherwise happy, honoured, and fortunate to the last; perhaps the most overrated man that ever played a leading part on the political stage. He and Adams both expired on July 4, 1826, the jubilee of American Independence.

¹ This was the fate of most Presidents. George Washington was a childless man, who inherited one fortune and married another. Adams was careful to stinginess, and had not to keep up a palace in an expensive capital. Jefferson was saved from ruin by the help of friends. Madison, being childless, was able to live on the remains of a dilapidated fortune. Monroe died insolvent. Jackson had to borrow money to stock the farm of Cincinnati. J. Q. Adams was partly provided for by his salary as a Representative. It is believed that each successor, down to 1860, retired from the Chief Magistracy much poorer than when he entered it, though after only a single term of office.

CHAPTER VII.

BURR'S CONSPIRACY.

His Position after the Murder of Hamilton—As Vice-President—At Feud with Jefferson—His Appearance as an Adventurer—Doubtful Character of his Schemes—His Arrest, Trial, Acquittal, and Ruin.

THE slayer of Hamilton¹ was indicted for murder both in New York and New Jersey, but neither indictment was pressed. Burr returned after a while to Washington, and, as Vice-president, filled with sufficient dignity and impartiality the Chair of the Senate. When Judge Chase was impeached by the House of Representatives at the bar of the Senate, the presence and demeanour of the Vice-president contributed not a little to the imposing character of a great political spectacle. But he had risen to that high position by chance and intrigue. Having mortally offended Jefferson, he had no hope from the Democratic party. With the blood of Hamilton on his hands, he could win nothing from the Federalists. At the close of his single term, the demagogue and election manager, bankrupt in fortune, character, and political influence, lapsed into obscurity. But his restless ambition, fostered by natural and acquired advantages seldom combined—a stately presence and imposing carriage, a bearing at once dignified and popular, a consummate plausibility of manner and language, equally effective with a jury and a mob, in private and public audience—could not be reconciled to insignificance or inaction. The ruined politician promptly reappeared as the Western desperado; the last successor of the Buccaneers, the first of those American filibusters whose soaring ambition, dauntless courage, and sublime contempt for public law and

¹ Supra, p. 382.

established rights have often won from a reckless populace such sympathy as Englishmen felt for Church and Cochrane; whose career, commencing with victories that almost achieved for pirates the position of regular belligerents, has ended for the most part in defeat and ignominy, at the galleys or on the scaffold.

In 1806 Burr collected on the Ohio a flotilla, ammunition, arms, and supplies for scores or hundreds of the daring adventurers who flocked to his standard. Among his principal and most trusted associates was General Wilkinson, lately the senior officer of the Federal Army, and now the Governor of the northern part of the vast territory purchased by the United States under the name of Louisiana. Burr's designs were involved in much obscurity. It seems evident that his operations were to begin in the neighbourhood of New Orleans, that he meant thence to move westward, or to occupy for the nonce the debatable ground between Louisiana and Spanish Florida. His ultimate goal was supposed by the most sanguine and resolute of his followers to be the plunder or conquest of Northern Mexico; perhaps even the throne of Montezuma. Wilkinson, who presently betrayed him and placed in the hands of the Federal authorities some wild but ambiguously-worded letters, accused him of an endeavour to separate Louisiana from the United States and to establish a rival empire to the west of the Mississippi. But Burr's scheme of operations was probably not very distinctly defined even in his own mind: That it was lawless and criminal is beyond question; whether it were treasonable or simply piratical has never been made clear. If he really aspired to the sceptre of a western empire, was it at the expense of the feeble Spanish Government of Mexico—which then claimed an undefined dominion between the western frontier of the United States and the Pacific as far north at least as the 42nd parallel—or of the newly-purchased territory of the Union, or were both to be absorbed? Most probably Burr intended to be guided by circumstances and by his first successes. But his means were so utterly in-

adequate to any scheme of extensive conquest that his 'plot' appears in history as the dream of a half-insane desperado rather than the coherent plan of a calculating adventurer, however daring and headstrong.

He was arrested and held to bail by the Federal officials of the North-West, but released by the Court before which he was brought, whose Western spirit of adventure and national sympathies were strongly enlisted on behalf of an enterprise supposed to be directed against the Spanish provinces. At last, under an order from the President, he was arrested by a military force in the neighbourhood of New Orleans. His followers were dispersed and he himself sent to Washington for trial. Jefferson, strongly prejudiced against him, believed in the charge of treason preferred by Wilkinson. The Federalists, in their bitter hostility to the Administration, sided passionately with the man on whose hands was the blood of their great leader. From a Court whose bias was distinctly Federalist, and from a sympathetic jury, Burr obtained a complete acquittal. But that acquittal finally disposed of his enterprise and his hopes, and consigned him to insignificance. He sailed shortly afterwards for Europe, and never again appeared on the political stage. The party passions of the time, and the strange mystery in which the whole matter was involved, have given an artificial interest to the wildest and most impracticable of American filibustering enterprises, and to a character and career, despite their erratic brilliancy, essentially unworthy and even contemptible.

CHAPTER VIII.

THE SECOND WAR WITH ENGLAND.

Motives and Mutual Provocations—Opposition of New England—American Maritime Advantages—*Shannon* and *Chesapeake*—Invasion of Canada—Lake Erie—Lundy's Lane—Washington—New Orleans—Peace—Financial Disorders—United States Bank.

MADISON'S first term was signalised by a financial crisis; by an Indian war in the North-West, commenced in 1811 by an American victory at Tippecanoe; and by the commencement of that second war with England, growing out of the great European conflict, which had loomed darker, nearer, and more threatening year after year. Neither the atrocities of the Terror, the aggressive measures and the diplomatic discourtesies of the Directory, the insatiate ambition of the Consulate, nor the establishment of naked military despotism under the Empire, had alienated the sympathies of the American populace. France was still their ancient and faithful ally; England still their natural and unforgiven enemy. Distance, ignorance, and traditional bias obscured in the sight of the masses the moral character of the conflict, the practical relations of the contending Powers. It mattered nothing that the insolence and selfishness of the Republic had striven, and well-nigh with success, to drag the United States through flagrant violations of neutrality into a disgraceful and inevitably disastrous war. It went for little in the public mind that to the utmost of his power Napoleon had waged against American commerce a war as ruthless as that maintained by England; that, if American seamen had not been impressed into the Imperial service, it was because France had neither cruisers to seize them nor ships for them to man. It was England alone that had the power seriously to

interrupt American trade with her enemy. The English fleet alone was seen in American waters; English cruisers alone could exercise on every sea the undoubted right of search, seize enemies' goods under the neutral flag, and reclaim her sailors on board American merchantmen. The malice of France was equally high-handed and contemptuous, and incomparably more gratuitous; but it was exerted in distant ports, within the real, if not the recognised, lines of French supremacy. French captures were few and insignificant; no French frigates watched American ports, or swept the ocean in quest of American vessels. The merchant marine of Sweden and Russia was insignificant, and the rest of Europe was engaged, really or nominally, on one side or the other in the war. America was to all intents and purposes the only neutral Power; the trade of one-half the world was the monopoly of her flag. Belligerent rights exercised against her alone assumed the character of national hostility.

She overlooked, moreover, the provocation that she gave; forgot that, while the Baltic was sealed, the Mediterranean commanded, the ports of France closed by British squadrons, France still carried on depredations on British commerce; that a number of English merchantmen were yearly stopped, captured, and plundered by American privateers under the French flag. Nations, like men and women, are governed as much by temper as by reason. The national tempers of France and America are essentially feminine, and it is more surprising that the firmness of Washington and Adams, the popular influence of Jefferson and his ingenuity in devising substitutes for war, should have so long restrained the popular passion than that Madison should at last have yielded to it.

Tecumseh, a chief of the Shawnees, one of the three or four great warriors and statesmen whom the Red Indian race has produced, had united the tribes of the North-West to resist the spread of American colonisation over their boundless hunting grounds; had visited and endeavoured to enlist in his quarrel the Creeks and Cherokees of the South. Sanguinary encounters had actually taken place on the northern prairies

before, in June 1812, the President, in a long inflammatory message to Congress, set forth the grievances of the United States against England, and obtained a declaration of war. Two days previously the obnoxious Orders in Council were repealed.

It is a significant fact that the commercial States, where the reciprocal grievances of the two countries and the comparative responsibilities of the European belligerents were best understood, which had been the chief, if not the sole, sufferers by the stringent exercise of belligerent rights, were from first to last the energetic opponents of the war. Numerous and influential meetings in New York, Boston, and other North-eastern cities at once denounced the declaration in language which an American minority has rarely used when once a successful appeal to patriotic pride and ambition has roused the nation. They relied on a very strong and widespread sectional feeling when they ventured to protest against the war as 'gratuitous and wicked.' Nor was its early management calculated to reconcile the Opposition to the sacrifices and perils it brought. Their want of confidence in the prudence, energy, and judgment of the Administration was fully justified. Jefferson's gunboats, luckily for their intended crews, never put in an appearance. A few American vessels, equal in force to third-rate English ships of the line, but classified and disguised as frigates,¹ entrapped English frigates—which, by the traditional usages of naval war, were expected to fight superior vessels of their own class, but not line-of-battle ships—into unequal and disastrous encounters. The *Macedonian* and the *Guerrière* were challenged and vanquished in single combats analogous to duels in which the challenger wears a secret coat of mail.² There was no such monstrous disparity between the *Java* and the *Constitution*; but the

¹ Frankly admitted by American historians as partial as Professor Draper.—*Civil War*, ii. p. 203.

² So much so that, in naval battles between England, France, and Holland, frigates did not interfere, and were not fired at. When they forfeited this immunity by active intervention, they were commonly sunk by a single broadside.

former, as often happened during a conflict which strained to the uttermost the maritime strength of England, was manned with coasters, boatmen, longshore men, and landsmen. Her miscellaneous crew had never been in action, and very few among them had served in a man-of-war. Half-a-dozen smaller British vessels were captured in fair fight. No British ship struck her flag, no matter what the odds, till she was little better than a wreck, and the mere slaughter of her crew rendered further resistance impossible.

A single encounter on equal terms brought the comparative qualities of American and English ships and seamen³ to a fair test. Captain Broke of the *Shannon* had sunk no fewer than twenty-five captured merchantmen, sacrificing a small fortune in prize money rather than weaken his ship by a single prize crew. After watching long and in vain off Boston, he sent a written challenge to the American squadron anchored in the harbour. The gauntlet was taken up by Captain Lawrence, of the *Chesapeake*. The two vessels were tolerably equal.* Ships, captains, and crews were choice representatives of the several navies. After ten minutes firing they closed; Broke led his men to board, and in fifteen minutes after the first shot was fired the *Chesapeake* struck her flag. Captain Lawrence and most of her officers were killed or wounded. The mortification and disappointment of America vented itself upon the senior of the survivors, who, acquitted of every charge save that of carrying his dying commander from the quarter-deck, was ignominiously dismissed from the service; a *pour encourager les autres* equally unjust and ineffective. Successes more profitable and not more inglorious than those secured by disguise and deception were due to an unsparing use of the advantage of surprise. It was long before the scattered cruisers and merchantmen of England in distant waters learned that war had been declared. The Americans evaded superior and took inferior forces off their guard; their privateers similarly escaped the vigilance of British men-of-war,

* Of the best American seamen, not a few were British deserters.

and reaped a rich harvest of plunder from the unsuspecting commerce of England.

America had been tempted to throw her sword into the scale, against the hopes of mankind and the liberties of Europe, by the opportunity of taking England at the utmost disadvantage. The power of Napoleon was at its zenith. Europe was at his feet; the resistance of Russia seemed a forlorn hope. In the defence of the East and West Indies, in Sicily, and above all in the Peninsula, England had her hands full. At such a crisis the United States believed that the vaunts of Jefferson might be realised; that Canada especially would fall an easy prey. For once the course of history conformed to the principles of poetic justice, and Providence was not on the side of the heaviest battalions.

General Hull invaded Canada with 2,500 men, retreated ignominiously before a far inferior force, took refuge in Detroit, and presently surrendered fort, stores, artillery, and army to 600 Englishmen and as many Indians. He was tried by court-martial and cashiered, escaping sentence of death, it is said, only by a single vote. His successors failed quite as signally. In more than one instance, one half the American force was beaten under the eyes of the other, which could not be induced to move till it was time to run away. Northern Michigan was the seat of a desultory campaign, in which the Americans were generally worsted. Meantime a few energetic Americans had constructed a formidable squadron upon Lake Erie. Its superiority was sufficiently proved by the unwillingness of the brave and experienced British naval commander, Barclay, to risk an encounter. He was forced out of harbour at last by the utter exhaustion of his stores and the urgency of General Proctor, who was being pushed out of Michigan by force of numbers. The American flag-ship was sunk; nearly every British vessel lost its commander; and the victory remained with the young American Commodore Perry, a victory of American volunteers over Canadian boatmen and gunners taken from the land force.

Thus far England had fought, and well sustained the

honour of her flag, with the mere gleanings of her naval and military strength against the whole power of America. Her defeat upon the Lakes compelled the evacuation of Michigan. Harrison, the American general, followed up the retreating forces with an army of six or seven thousand regulars, volunteers, and militia; among them a body of cavalry outnumbering the whole civilised army of General Proctor. The British were overtaken on the Canadian Thames by threefold numbers. Tecumseh, the limits of whose martial intelligence were marked by his indignant protest against an inevitable retreat, was killed; the Indians, after an obstinate struggle, were completely dispersed, and three-fourths of the small British force disabled or captured.

Meanwhile the Peace of Fontainebleau had released England from the strain that had absorbed her strength and thought; and though the critical relations and vast armies of the Continent demanded her chief care, she was able to attend to her Transatlantic assailant. The American Government had been gathering forces numerically more than equal to the task before them. Sir George Prevost, Governor of Canada, invaded New York, following the ominous route of Montcalm and Burgoyne. A battle on Lake Champlain ended in the destruction of the Canadian flotilla: the gathered militia of the Northern States had held their own at Plattsburgh, and the British were forced to retreat. Toronto, then called York, the seat of the Government of Upper Canada, was taken and sacked. A second and better-conducted campaign was fought chiefly upon the peninsula between Lakes Huron and Erie, a battle-ground peculiarly advantageous to the invaders. It was surrounded by the waters which they commanded, faced on two sides by American territory, and almost detached from the rest of the British provinces. A series of minor operations, in which fortune was not unevenly balanced, though on the whole inclining to the American side, culminated in a pitched battle fought at Lundy's Lane, within hearing of the falls of Niagara. After an obstinate contest the Americans remained masters of the field.

A British fleet occupied the Chesapeake, took possession of Alexandria, and landed a small force on the north bank of the Potomac. Expecting an obstinate battle in the river, the British seamen were bitterly disappointed to witness the destruction of the American squadron of seventeen vessels, fired by ~~its own~~ commander. The insufficient and ill-disciplined land force collected for the defence of the capital retired after an unimportant skirmish, and the small British army, with a loss of some two hundred and fifty killed and wounded, took possession of Washington. The President and Cabinet fled in panic across the Potomac, destroying a sloop of war just built, a large frigate on the stocks, and a quantity of stores. Before the entry of the British the city was plundered and much havoc wrought by escaped slaves and criminals. The General went forward with a flag of truce, intending to negotiate for the ransom of the public buildings and property; but the desertion of the military and civil authorities had left Washington without rule or control. A party of exasperated patriots, ignorant of military law and usage, fired on the flag, and narrowly escaped killing the General himself. Such lawless resistance in a place already abandoned as indefensible exposed the offenders to military execution, and the town to sack and pillage. Nor, after such an outrage, could General Ross restrain the indignation of the soldiery. The arsenal and dockyard were of course destroyed. The citizens were unmolested in person and property; but the newly-built Capitol, the White House (the President's official residence), and other public buildings were given to the flames. The public opinion of England regretted an act of Vandalism which, under the circumstances, no European Power was entitled to censure. The contemporary feeling of America bitterly denounced a measure of military revenge (apart from the particular justification afforded by the conduct of the mob) quite in accordance with the spirit and recent precedents of a generation nurtured in constant aggression and retaliation. In the present instance it should be remembered that the mischief was measured by the cost of restoration. No

valuable archives, no literary stores, no irreplaceable historic monuments were destroyed, no priceless art-treasures carried off.

While commissioners from the belligerent Powers were sitting at Ghent to adjust the terms of peace, a desultory war was waged in Florida, important only for the signal audacity of the American commander, General Andrew Jackson, in disregarding the territorial rights of Spain, who owed her very existence to England, and whose 'neutrality' was scarcely more impartial than that of the States during the first years of the war of the French Revolution. The last important engagement took place after peace had actually been signed, but before the news could be carried by sail across the Atlantic. General Pakenham—a connection of Wellington's—with an army of Peninsular veterans, landed at the mouth of the Mississippi (Dec. 21, 1814) and marched upon New Orleans.

The Americans escaped a fatal surprise through the promptitude of a young planter, who detected the approach of a British advanced party, and carried the tidings to his countrymen. After some hard fighting—in which the British defences, mainly formed of barrels of molasses, were knocked to pieces by the American cannon, while the cotton-bales which covered the latter effectually repelled the British shot—General Jackson fell back to his entrenchments in front of New Orleans. Here he awaited the decisive attack, which was made on January 8, 1815. The assailants were 7,000; the Americans, standing on the defensive, in an exceedingly strong position, at least 12,000. Their militia on the opposite bank were, as Jackson reported, 'disgracefully' routed; but the main British army, advancing, according to Peninsular tradition, in close order across open ground, was repulsed with tremendous slaughter by the sheltered enemy. Jackson was, of course, entitled to the higher credit for a victory secured without exposure, risk, or loss; but the quality of his troops was not put to the test of a close encounter with half their number of Peninsular veterans.

Peace was concluded on the Christmas Eve of 1814, on

much more equal terms than could be expected from a war begun when Napoleon was master of Europe, and ended when he was in all but name a prisoner in Elba. America was glad to drop, without abandoning, everything for which she went to war. England made no concession and exacted none. Impressment, the American pretension to share the Newfoundland fisheries, England's claim to the navigation of the Mississippi were left open. Everything was left at midwinter 1814 as it had stood at midsummer 1812, save that the Creeks, who had taken arms at the instigation of Tecumseh, had been worsted, plundered, ruined, and reduced to submission.

Considerable as seemed to that generation the havoc of the war, the American people suffered far more from the financial derangement, which war only completed and aggravated. The charter of Hamilton's National Bank had expired in 1811, and the Democratic party, who had been hostile to that institution from the first, refused to renew it. The States at once chartered a multitude of local banks with a purely nominal capital and unlimited circulation. Their worthless notes, even while nominally redeemable, drove specie out of circulation. The consequent rise in prices, and the extensive trade carried on with continental Europe, where war created a constant demand for coin, and with the silver-hoarding East, presently led to the exportation of the greater part of the gold and silver previously current in the States. Speculation, especially in land, was as usual encouraged by the extravagant facilities of credit and the virtual depreciation of money that always attend a sudden increase of the currency. The majority of the banks themselves were the speculations of men generally ignorant and often dishonest. As always happens, the first change of fortune, the first serious failure, brought the whole fabric to the ground. The New England States alone had imposed upon their banks conditions which kept them tolerably sound. Those of the Middle, Southern, and Western States at once suspended payment.

The embarrassments of the Government were extreme.

The war compelled it to borrow ; loans of constantly increasing amount were taken up on more and more disadvantageous terms, six per cent. bonds of 100 dollars falling from 88 to 75 dollars. The Treasury was compelled to receive local paper in payment of customs and internal dues, simply because the taxpayer had no other money to offer. The discount was so uncertain, so varied from day to day and from State to State, that all notes were at first taken at par in the absence of any other possible rule. Consequently, the duties paid in paper at Baltimore, Charleston, and New Orleans were lighter in real value by 15 to 25 per cent. than those of Boston and Newport. The business of New England was driven to Philadelphia and still further south, and the States were mulcted in proportion to the soundness of their legislation and the stability of their commercial credit. For some years the interest-bearing Treasury notes or Exchequer bills of the Federal Government were the only common currency of the Union, the circulation of the various banks being confined to their respective neighbourhoods. The consequent distress, confusion, commercial and industrial ruin affected every family, embarrassed every buyer and seller, from the Mississippi to the Atlantic, from the borders of Florida to the Great Lakes. A few shrewd exchange-mongers made great fortunes at the expense of the bewildered public.

A National Bank of the United States was chartered in 1816, the last important act of Madison's term. But some time elapsed before, even with the aid of its powerful machinery, the resumption of specie payments was accomplished ; and the United States were again burdened with a heavy debt for which they had received very inadequate value. The earlier creditors had bargained that they should receive the best terms that might be granted to those who should take up subsequent loans. Thus the whole debt was contracted at the rates enforced by protracted war, enormous expenditure, and dubious credit ; and it may be estimated that the Federal Government paid six dollars per annum for every sixty dollars of gold-value that actually reached the Treasury ;

borrowed, in fact, at 10 per cent. This severe lesson made a lasting impression upon the suffering generation, especially in the commercial States; and sixteen years passed before the ignorance, wilfulness, and passion of a single man, the prejudice of the populace, and the madness of faction renewed the anti-bank agitation of Jefferson and his disciples.

CHAPTER IX.

THE SECOND GENERATION.—MONROE AND QUINCY ADAMS.

The Leaders of the Next Age—Calhoun, Clay, Webster—Andrew Jackson—
 Seminole War—Expulsion of Cherokees by Georgia—Monroe Doctrine—
 Election by the House—Consequences.

THE complete triumph of the Democrats, the virtual extinction of the Federalist party, gave to the years following the war the very imperfectly deserved name of the 'era of good feeling.' The great constitutional and political issues of the constructive era, the second stage of revolution, were closed; the Revolutionary generation, the soldiers of the War of Independence, the statesmen of the Convention, with their experience of cosmic convulsions and Titanic cataclysms, heroic aspirations and gigantic disappointments, had passed from the stage. To the new generation the Union was no longer an experiment, but an accomplished fact, whose thirty years' endurance had satisfied them that the practical sovereignty of the States was the surest basis of national unity and growth, their solid union the necessary condition and guarantee of their individual sovereignty. The fears of the Federalists, the sensitive jealousy of the Democrats, were proven illusions dispelled by the event. The sectional divergences—divergences alike of character, opinion, and interest—had not yet opened new issues, or reopened the issues of old in a new and more dangerous form. There were no principles to create parties; no objects for parties to fight for. Unhappily, political stagnation breeds corruption; and intrigue—the underhand strife of petty factions and selfish personal ambitions—fester in the bosom of the party which has no longer a recognised antagonist. One curious consequence of the absence of opposition was that the Secretary of

State superseded the Vice-President as the designated successor to the Presidency, as being in right of his functions the second power within the party, the second figure in public life. Thus Madison had, as Democratic candidate, succeeded on the retirement of Jefferson; and thus Monroe, the last and weakest of the great Virginian school of statesmen, succeeded in due course on March 4, 1817, to Madison.

Four far greater figures had already entered on the political stage. John Quincy Adams, Monroe's Secretary of State, had been from boyhood the assistant and pupil of his father, the second President of the United States. He had passed from diplomacy to college, and from college to important public employments; had become in 1817, and remained to the end of the longest political life ever enjoyed by an American statesman, one of the foremost men of his time. The Secretary of War was John C. Calhoun, of South Carolina; after Alexander Hamilton, the most consistent, logical, clear-sighted, and far-sighted statesman, the profoundest political thinker that the Union has ever produced; the greatest, ablest, most resolute of that third political generation whose destined task it was to grapple with the problem which had eluded the foresight of the first; that gravitation of the States into sectional masses, whose tremendous counter-action, was soon to threaten the cohesion of the Union. All of them, and Calhoun above all, were fortunate in the date of their death. They passed from the stage just as the curtain fell on the penultimate act of the great tragedy in which they had borne the leading parts; in time to escape the events whose crushing logic proved that the labour of their lives was vain; that the course of destiny was too strong for their combined efforts; that the Union—the Union as they understood and loved it—the Union of Washington and Hamilton, of Jefferson and Madison—was a 'survival' of the past, a figment of law, that no human effort could save.

Daniel Webster, of Massachusetts, a consummate advocate rather than a profound constitutional lawyer—as far superior to Calhoun in magnetic influence over men, in the arts of a

party leader and the power of a popular tribune, as inferior in moral strength, in personal dignity, pecuniary honour, and political courage—was a man who could do anything except stand alone against his little world. Proud and generous, yet capable of meanness and selfishness where his fame or his ambition was involved, making a large income, yet always in debt, and never ashamed of taking money from personal or party friends, he had already achieved a great reputation in Congress, and was now the leader of the Bar of Massachusetts and of the Supreme Court. Henry Clay, of Kentucky, the favourite of the West, whose position in politics as the moderator of sectional strife, the author of more than one great historical compromise—doomed from the first to irretrievable failure in attempting to reconcile irreconcilable conditions, and repress an irrepressible conflict—was that suited to the relations of his State, stood as yet higher than his two great rivals; not less respected, and far more popular, than the younger Adams. He and Adams had been colleagues—often sharply opposed to one other—in the commission which had negotiated the treaty of peace with England.

The period now commencing was the most critical in the internal, the most interesting and brilliant in the Parliamentary history of the United States. The arch problem of American politics was coming to the front: Sectional antagonism, and the desire of the North to establish its political ascendancy, were the real motives of the conflict of 1820; Abolitionism proper was hardly heard of till after 1830, but slavery was always the pretext of Northern aggression, and Northern ambition gave solid political strength to the Abolitionist agitation. Calhoun alone diagnosed clearly and accurately, almost on its first outbreak, the true character of the moral fever which, caught from English anti-slavery propagandists, had seized a small band of Northern enthusiasts. He long stood absolutely alone in his invincible assurance of its epidemic quality. There was too much of the Huguenot and Covenanter in the typical South Carolinian to let him underrate the new fanaticism of the great grandchildren of the Northern Puri-

tane. He had gauged and measured the span of his life on the horizon; in his womb he felt the storm that must overwhelm slavery or rend the Union asunder. And, happen what might, slavery should not be touched by Northern hands; the South should never part with her right of self-government and self-determination.

Webster seems to have thought the anti-slavery agitation a serviceable weapon, a convenient 'cry,' but a movement which, in his hands, could always be restrained within the letter if not the spirit of the Constitution. Adams fancied that he might at need fight out the quarrel to the bitter end within the Union if without the law; Clay, that the whole matter was one of sectional prejudice, ignorance, and interest, a quarrel to be solved by soft words and mutual concession.

The men, one and all, were worthy of the occasion; fit champions of their several views; fit combatants in a quarrel which enlisted the noblest and the basest feelings, the fiercest and deepest passions of humanity; competent guardians of the gigantic interests, the sacred principles, the inviolable and irreconcilable obligations at stake; leaders capable of defending with becoming earnestness, fire, and force of conviction the clearest rights and most absolute engagements to which public honour was ever pledged, the strongest and simplest instincts, sympathies, and passions that ever repudiated the bonds of public honour and pledged faith in the name of a higher law—the cause of vested rights or of human freedom; statesmen worthy, in a word, of the greatest issue that was ever waged by one generation in debate, and appealed by another to the God of Battles. Hamilton accepted, few or none of the statesmen of the War of Independence and the Constitutional Convention were superior, but many were equal to the four great champions of the next age.

I may have erred otherwise in my judgment, as others have done, of the rapid and startling deterioration of American politics and politicians. Degeneration has been the saddest and most striking feature. The tone of public life, the average character and quality of men, have all the quality of those who represent their country in Congress, the Senate, the Executive, and the Judiciary, have all the quality of those who

But the popular favourite of the age, the idol of the multitude, was a man of a far lower order, of infinitely inferior moral and intellectual calibre. Andrew Jackson had been distinguished by his excesses and eccentricities, his ruthless discipline, his contempt of all law—martial, civil, and international—his defiance of superiors and insolence to equals. He was employed under the Government of Monroe in a long, cruel, and needless crusade against the Seminoles of Florida. A few border collisions of less than common gravity afforded the pretext. The real occasion of the war was the inveterate hostility of the American people towards the Aborigines; inflamed by the number and the acts of the fugitive slaves who had sought and found a safe asylum among the forests, lakes, swamps, and Everglades of the peninsula. In this warfare Jackson gained the favour of the populace and politicians, less by his victories over the enemy than by the lawless seizure of Spanish towns and forts, and the murder of two British subjects, against whom nothing was proved but the fact that the Indians had derived military information from their business letters. The patience, not to say indifference, with which this double outrage on the law of war and of nations was endured by the English Government excited general contempt in America, and had doubtless much to do with the tone of her

Washington to Monroe, from John Q. Adams to Pierce, from Buchanan to Hayes, Garfield, and Arthur. Dishonesty, jobbery, corruption, vulgarity undreamt of in the days of the great Virginian and Massachusetts dynasty came into vogue with the accession of Jackson, and attained under Lincoln and Grant an unchallenged ascendancy at which Jackson and Van Buren would have stood aghast. The soldiers and statesmen of the Revolution, and yet more of the Convention, were of a higher caste than their successors. The Epigoni of the sectional conflict, the authors of the Civil War and of Reconstruction, certainly could not boast themselves much better than their fathers; and their fathers were weaklings beside the heroes of the American liad, the founders of their country. But the four great champions I have described—those whom contemporary American opinion recognised as the leaders of their age—had few superiors in the preceding as they have had no equal in the passing generation.

The general character of the Everglades is that of shallow lakes covered with timber, forests growing in water three or four feet deep, obstructed by matted jungles, affording unvalled cover in battle, and almost impenetrable shelter in flight to Indian warriors; agriculturally worthless, pestilential, uninhabitable, and almost impassable to the white race.

diplomatic intercourse with Great Britain during the next forty years.

Frontier disputes and incidental collisions, which had occurred from time to time since the cession of Louisiana, were finally settled in 1819 by the sale of Florida to the United States for five millions dollars; to be paid not to Spain, but to American citizens who had, or who alleged, claims against Spain to something like that amount. Adams was one of those whose station and abilities compel a society which discourages duelling to endure a temper that would be the ruin of weaker men. Even in diplomatic intercourse, he could not or would not maintain the substance, much less the forms, of courteous contradiction and dignified rebuke. Jackson's high-handed, ostentatious contempt of public law was thoroughly congenial to his nature. He supported the General in that overbearing temper and with that dogged self-will which left those who had to act with him, in Cabinet or Congress, no alternative but to yield or to quarrel. Calhoun, as Jackson's immediate superior, resented his insubordination; as gentleman and statesman, was disgusted by his brutality and alarmed by his lawlessness. But a feeble President and an undecided Cabinet dared not quarrel with the favourite of the populace. Their internal differences were suppressed; and Calhoun, as the official mouthpiece of the Government, communicated their approval of measures of which he individually had spoken as they deserved. An electioneering intrigue long subsequently divulged these Cabinet contentions. Jackson, who had at that moment another grudge against Calhoun—and whom nothing could have taught to distinguish between official and personal responsibility, or to recognise the necessity of mutual concession to common action—imagined that he had been grievously wronged and treacherously deceived. He thenceforth bore a mortal enmity to Calhoun, which had no small influence over his own subsequent conduct, and affected for many years the course of party politics.

Another Indian quarrel led to a sharp controversy between

the Federal Government and the State of Georgia. The Cherokees were secured in possession of their remaining lands by a formal treaty with the United States; but those lands fell within the State limits of Georgia. She determined to extend her authority over the Cherokees by main force. Adams, as Secretary of State and as President, insisted on the validity of the treaty, as—like a treaty with England or Spain—part and parcel of the supreme law of the Union. But the Indian tribes, though not subject to State or Federal law, though unquestionably self-governing communities, were not independent Powers. Their position and engagements made with them had something of the ambiguous character that attached to the relations of the East India Company with the vassal Princes of India. Adams may have strained a point of constitutional law, but he was unquestionably bound to maintain the plighted faith of the Federal Government; and his threat to repel force by force, whether inspired by headstrong temper or by a somewhat intemperate zeal for justice, was the more creditable that it could hardly conduce to his popularity outside his own State. When Jackson came into power, the Cherokees and Creeks, like the remains of many once powerful Indian tribes in the North and North-West, were expelled from the fertile lands on which they were settling down as peaceful, agricultural, civilised communities, and transported to the then uninhabited deserts beyond the Mississippi.

The termination of the European war and the treaty of Ghent closed the period during which the foreign policy of the United States was the chief object of national interest and party conflict, the chief concern of the foremost statesmen of America. The South American revolution, the revolt of Mexico, Peru, La Plata, and the other Transatlantic dependencies of Spain, the rupture between Portugal and Brazil repeated the story of their own War of Independence too closely not to enlist the warmest sympathies of the people; and both the weakness and the policy of the Government induced it to connive at flagrant breaches of a formal and

reluctant neutrality. Spain had her hands full: proud and sensitive as she was, she could not afford to mark too strictly the faults and defaults of the United States, to give them a pretext of quarrel which might have been eagerly seized, to enlist the paramount Power of the Western Continent on the side of her revolted provinces. While Lord Cochrane and other Englishmen accepted command in the service of the South American States and fought openly and manfully for their independence, American privateers escaped from the lax supervision of their Government, and turned the quarrel to their individual profit by preying on the defenceless commerce of Spain and Portugal. The menace of European intervention led Monroe's Administration to interpose in a more honourable and legitimate character; though, in diplomacy as in war, the cause of South American independence was more indebted to England than to the United States. It was Canning and not Monroe who 'called the New World into existence to redress the balance of the Old.' It was a joint protest, sure to be backed by force, that deterred the Holy Alliance from its threatened crusade on behalf of legitimacy. The familiar 'Monroe doctrine,' as laid down by its godfather with the encouragement of the British Cabinet, fell far short of the pretensions which later American orators and demagogues have advanced under its shadow. It did not question the right of Spain to recover her lost dominion by force, but simply warned the military Powers of Europe that the United States would not regard with indifference the extension of the principles of the Holy Alliance to America; the interference of Europe—or, those who assumed to speak and act in the name of Europe—in a distinctly American quarrel.* The Govern-

* Monroe pronounced against 'entangling ourselves in the trials of Europe, or suffering the Powers of the Old World to interfere with the affairs of the New.' 'Any attempt to extend their system to any portion of this hemisphere would be dangerous to our peace and safety.' 'We could not view any interposition for the purpose of oppressing them (the South American States), or controlling in any manner their destiny by Europeans, in any other light than the manifestation of an unfriendly disposition towards the United States.'—*Message to Congress, 1823.*

ment at Washington asserted for itself, on the two Western Continents, the position which, till within the last few years, the Empress of Hindustan has claimed in Southern Asia; a position in right of which the intrusion of a Power which might disturb the actual relations of a great State to its weaker neighbours becomes the intimate concern of that State, and may at its pleasure be treated as a *casus belli*. The vague pretension to a sort of protectorate over North and South America—a claim to exclude not merely European conquest, but the influence or intervention of European States beyond the actual limits of their Transatlantic possessions—is of later date and gradual growth.

On this occasion the President and Secretary of State were backed by the almost unanimous opinion of the country. When Adams proposed to send envoys to the Congress of the South American Republics at Panama, the 'principle of non-intervention' was asserted by a part of the Opposition; especially by those far-sighted leaders of the South who were already alarmed for her 'peculiar institution,' and looked with uneasiness on the emancipatory policy of the States of Spanish origin, leaving Brazil and the West Indian Colonies of Spain and England the sole partners of the Southern States of the Union in the maintenance of negro slavery.

With Monroe's second term, in 1825, expired the old Presidential dynasty; the old traditions, character, and gravity of the office. With it closed also the long uninterrupted ascendancy of the old Democratic¹ party. The factions which put forward Jackson, Adams, Crawford of Georgia (late Secretary of the Treasury), and Henry Clay respectively were divided by personal squabbles, antipathies and preferences rather than by any recognised difference of principle or policy. In the electoral colleges of November 1824 Calhoun received for the Vice-Presidency 182 votes out of 261. For the Presidency Jackson had 99, Adams 84, Crawford 41, Clay 37 votes. It devolved, therefore, upon the House of Representatives to

¹ Earlier called Republican; the party of Jefferson, Madison, and Monroe as of Polk, Pierce, and Buchanan.

choose among the three highest on the list.³ Clay, who was thus excluded from the competition, had a paramount influence in the House, and was able to determine its choice among his late competitors. Crawford was physically incapable, an inveterate intriguer and a statesman of third-rate repute; Jackson was the most unfit, and Adams perhaps the most obnoxious man in the Union. Clay's influence determined the election in favour of Adams, who immediately on his accession appointed Clay his Secretary of State. Jackson at once inferred a previous bargain, and revenged himself by persistently imputing corruption to both the parties to his disappointment. The charge has frequently been repeated, but without proof. That Clay regarded Adams as by far the fittest, indeed the only fit choice, there can be no reasonable doubt; as little that Adams was the only one of the three whom an English Parliament would have tolerated. Personal and party considerations may, nay must, have influenced Adams in his turn: but had there been no such influence, Clay was beyond question the ablest and most popular statesman whom—Calhoun and Webster being otherwise engaged—he could have placed at the head of the Cabinet.

The new President had long since quarrelled with the Federalists of Massachusetts, and was hated by them as a deserter. But this very fact, detaching him from State ties, tended to give a Federalist turn to his views of general policy and of particular questions. As Secretary of State and President, he was for twelve years closely and exclusively identified with the central Government—wielding its power and compelled to champion its rights; and his temper made it certain that he would always hold as high as possible the dignity and authority of any office he chanced to fill. The Cherokee question had brought him into direct and angry conflict with the extreme champions of State sovereignty. By ancestral predilections and ingrained prejudices he was the enemy of the South, the mere sectional advocate of Northern ideas and interests; and

³ See Amendment XII. App. B

later, as an anti-slavery partisan, he was inevitably led to assert those views of national unity and Federal authority on which alone Northern pretensions to interfere with slavery could be based. Despite his party record, he was a Democrat only in virtue of his connection with a President and Cabinet nominally Democratic. His election was the sign of a complete dissolution or confusion of parties; a victory of the Federalist remnant and that section of the Democracy which revolted against Jackson and Calhoun, over the divided majority of the dominant party.

BOOK IV.

DIVERGENCE.

CHAPTER I.

THE SECTIONAL FEUD. THE TARIFF AND THE 'MISSOURI COMPROMISE.'

Protection levied tribute on the South for Northern benefit—Admission of States, Slave and Free—Equality the basis of Union—Northern pledges and Constitutional Obligations—Violated by resistance to the admission of Missouri—The Compromise.

MEANTIME other questions had arrayed the North and South in sectional antagonism. At a much earlier period, the embargo and the ever-threatening war with England had rendered the development of American manufactures an object of practical importance, as well as of national pride and interest. Protection was not a new idea, but a new element in party politics. It had been advocated on national, not sectional, grounds by Calhoun, to whom nothing but the honour of his State and the safety of the South was dearer than the Union; and opposed by the commercial States as theoretically adverse to commercial interests. Experience showed that the Slave States could never compete in manufacture with the free intelligent white population of the North. A tariff regulated by protectionist and not by purely financial considerations taxed the Union at large, and the South especially, for the benefit of New England and Pennsylvania. All the staples of the South, sugar and indigo excepted, were raised for export. Sugar and indigo alone found a sufficient market within the Union, and gained by the exclusion of East and West Indian competition. The States

whose climate and labour were suited to the production of tobacco, rice and cotton, imported food, clothing and tools : and the planters, who had to purchase these in large quantities, felt directly and heavily what was not similarly brought home to the farmers of the West, the enormous tribute levied on them for the advantage of a few hundred Northern manufacturers. They paid double prices for inferior articles. Their export trade was directly taxed by navigation laws, indirectly hampered and limited by the absence of a corresponding import trade with their principal customers, and this for the exclusive benefit of a rival section. Such a taxation, if not forbidden by the letter, was doubly opposed to the spirit of the Constitution. Taxes were no longer equally apportioned, and they were levied for the benefit not of the National Treasury but of individual traders. That which, if done directly, would have been flagrantly iniquitous and obviously illegal, could not be really constitutional when achieved under form of customs duties and commercial prohibitions.

Again, the Southern planters, like all colonial and tropical producers, worked with borrowed capital. Protection forced them to pay fifteen or twenty per cent. to Northern factors instead of ten or twelve to English merchants. Moreover, Calhoun, as an enthusiastic Unionist, had approved the application of a surplus, raised mainly by the sale of lands, to internal improvements—canals and harbours, river navigation and railways. When he found that the North received much and the South little benefit, the practical injustice quickened his sense of the doubtful constitutionality of the measure.

Southern and Northern feelings and interests had been from the first opposed. More than one important article of the Constitution had been carried on either side by a sectional vote or sectional compromise ; and the antagonism of material interests and social character had been constantly aggravated by the growth of new distinctive industries, the development in divergent directions of civilisations originally different. The balance of power, very close in 1790, had been disturbed by the working of the 'three-fifths rule,' under which only a

portion of the Southern population was entitled to representation, and by the rapid growth of numbers in the North. The latter had a clear and ever-increasing majority in the lower branch of Congress. Equality in the Senate was essential to the South, and the original balance of two votes on the Northern side had been preserved in the admission of States. The whole subject of Territorial government was left to the jurisdiction of Congress, and the rule had been laid down from the first that, while in pupillage as Territories, the yet unsettled provinces were subject to the Federal Government and to the laws enacted by Congress. When a Territory was separately organised, it was permitted to elect a local legislature and receive a Governor from the President. When its population reached the number entitled to a Representative, it was authorised by Congress, under an enabling Act, to constitute itself as a State, to elect two Senators and a Representative, a Governor, Legislature, and other State officers. Then it ceased to be in the technical sense a Territory. It was free as a State from Federal jurisdiction, and was, as matter of course and almost of form, admitted to the Union by joint resolution of the two Houses.

The admission of Vermont and Kentucky in 1792, of Tennessee and Ohio in the next decennium, of Louisiana, Indiana, Mississippi, and Illinois between 1812 and 1818, had left the North in a majority of one State. The admission of Alabama in 1819 restored equality, but two more claimants were knocking at the doors of Congress, and it was obvious that this would be for many years the last addition to the strength of either section. Vermont had been released from the control of New York by the consent of the latter. Maine was now about to claim a similar privilege at the hands of Massachusetts; and Missouri, in virtue of the treaty of cession under which Louisiana had claimed and received the rank of a State, was also ready to demand entrance into the Union in 1820. No objection was threatened on the part of the South, and none seemed constitutionally possible, to an arrangement which would preserve the sectional balance. Missouri was a

Slave Territory, and would claim entrance as a Slave State. Maine had never admitted slavery, and would never be asked to admit it. Within the Union slavery was a question of purely local concern—the equal legitimacy of the rival systems, the basis of the Union itself. This point had been recognised and settled once for all by the union of free Massachusetts with her twelve slave-holding sisters. It had been expressly confessed by the recognition of slavery in the compromises of the Constitution, *e.g.* the calculation of population and the provision for the return of fugitive slaves. It had been confirmed in the alternate and undisputed admission of Free and Slave States.

Whatever the moral aspect of the question, whatever the change of feeling and opinion, the Northern States had voluntarily and solemnly agreed to place slavery and freedom, within the Union, on a footing of perfect equality. They might, by dissolving the Union, renounce the obligation, with all the benefits hitherto enjoyed in consideration thereof; dividing the Territories and other assets, and setting the Free States of Illinois, Indiana, Ohio, formed out of the country claimed and ceded by Virginia, against the Slave States west of the Mississippi, purchased at the common expense. But they could not, without obvious bad faith and breach of compact, introduce a new test of partnership. One moiety of the States could not pretend to sit in judgment on the institutions of the rest, or refuse to equal confederates an equal right to extend and multiply. The Free States had no right, as against Missouri, to impose a new and unheard of condition of admittance.

But in 1820 this pretension was raised by the North, and naturally resented by the South as at once an intolerable insult and an indefensible wrong. Was a Territory to be punished, by indefinite relegation to an inferior status and a dependant position, for preferring the views and institutions of Virginia to those of Massachusetts? How could an Union based on fraternal equality and voluntary adhesion survive the introduction of a distinction so intensely offensive, an outrage

so glaring and so insolent? Obviously the North had no more right to impose conditions upon the South as the price of Missouri's admission, than the South to exact from the North—say the surrender of the tariff—as the price of the admission of Maine.¹ The South remembered, moreover, how long the slave trade had been carried on in Northern vessels and with Northern capital; how recent and how questionable was this new profession of a loftier morality, this appeal to a law higher than the Constitution.

Many spokesmen on the Southern side took constitutional ground on which they were easily and completely beaten. They affirmed that Congress had no right to impose conditions² on a candidate for admission to the family of States; that such conditions, even if accepted, could not bind the admitted State, whose people had the unquestionable right to amend or alter their constitution as they pleased. The answer was technically triumphant. Conditions had been imposed upon Louisiana. Slavery had been excluded from the great territory between the Lakes and the Ohio; and Indiana, while a Territory, had petitioned in vain to be released from this obligation. The treaty guarantee of property held under French laws could not reasonably be construed to forbid for ever any change in the tenure of land or chattels. The legislative emancipation of slaves living at the time of the cession, without compensation, would have been a violation of the treaty; it was too much to insist that the descendants of those slaves were condemned to perpetual bondage by the engagement with France; that neither the States nor the Union, no matter how unanimous, would ever have power to abolish slavery in the ceded territory. One masterly piece of special pleading perplexed the champions of the North. The promise given to France was that the people of the trans-Mississippi territory should in due course be admitted 'into this Union.' But this Union was and is a Union of Free and

¹ The admission of Vermont and Maine—the permitted division of New York and Massachusetts—rested on weaker ground, and its undisputed cession was a strong proof of the conciliatory spirit of the South.

² Those of the Constitution, applicable to all the States, excepted.

Slave States, an Union in which human chattels stand by express admission and by undeniable inference on the same footing with other property; in which freedom and slavery as State institutions are on a perfect equality, into which States have been admitted without objection founded upon their adoption of the one or the other; and to reject Missouri on this ground was to deny her entrance into this Union as it existed—to change its essential character. This reasoning only put in a clear technical form the unanswerable argument from the equality of the two sections. The principles of the Union and the spirit of the Constitution could not permit eleven confederated States to deny the equal rights, to put a legislative stigma upon the institutions, an impassable limit to the number, of the other eleven. The utmost that could be fairly asked was that Maine and Missouri should be admitted at the same time, the one as a Free, the other as a Slave State.

But the South was partly bullied and partly cheated. Having secured, by intrigue and promises ambiguous or misrepresented, the assent of the Senate to the admission of Maine, the Northern majority of the House renewed its stubborn resistance to the enfranchisement of Missouri. Baffled, wearied, and worn out, the South reluctantly submitted to the so-called 'compromise' proposed by Henry Clay. Missouri was admitted on condition that slavery should be excluded from all other existing territories north of her southern boundary— $36^{\circ} 30'$ N.L. This was no compromise, but the extortion, by naked force, of an enormous price for the allowance of a right iniquitously and unconstitutionally withheld. Further, the South was doubly defrauded in the terms of the transaction. It looked like a fair division of the actual territory of the Union. But, by a contemporaneous border treaty, nearly the whole of the country thus allotted to the South was ceded to Spain. Arkansas and Florida were the only districts left open to slavery. Again, slavery was not established, but merely not prohibited, to the southward of the chosen line. Whenever a Southern Territory was to be

organised, a Southern State to be admitted, the North could renew the struggle, and exact new conditions for the fulfilment of her obligations.

Such was the so-called Missouri compromise, the first of a long series of 'compromises,' in all of which the South purchased over again what was already hers, while in all the North took credit for generosity, or complained of wrong, because she yielded to her partner some small fraction of equal privilege and common property, arrogating the rest to herself. If the two sections had a parity of right, an equal position before the Constitution and the law, there can be no question that the North was throughout the aggressor; for the case of her extremest advocates was only this—that she had yielded to the South a share in the common territory of the Union, or had fulfilled, tardily and in part, some of the obligations imposed by the Constitution. By the settlement of 1820, the North secured an ultimate ascendancy in the Senate as well as in the House; a monopoly of all the States, except Arkansas and Florida, that could be carved out of the remaining possessions of the Union.³

³ See Van Holst's *History of the Constitution*, vol. i. This writer's language is abusive, his estimates of men and motives one-sided, his distortion of constitutional law and political principle monstrous, as those of an Abolition lecturer of 1850-60. Most of his voluminous work reads as a bitter contemporary party pamphlet. But to a student who takes nothing from it but the bare facts and the arguments of the contending parties, the five huge volumes are an invaluable repertory of information, and a storehouse of serviceable if not impartial references.

CHAPTER II.

THE DEGRADATION OF POLITICS. ANDREW JACKSON.

Demos Krato. — Old Hickory's empire. — Jackson's despotic rule. — His system.

Jackson and his adherents had no other object than the defeat of 1824. It was the characteristic peculiarity of the General that every point decided against him, every rebuff, defeat, or mortification he sustained, was in his eyes a personal affront and wrong. All opposition to his will was a political immorality, branding the opponent as a slave, an individual outrage to be remembered and revenged. His friendly remonstrance was an impertinence to be punished by personal hostility and political excommunication. He was the leader, but the despot of his faction: a despot surrounded by a little court of clever and obsequious flatterers, who using the creatures of his favour, the echoes of his few fixed ideas, made him their ready tool and unconscious instrument, upon every subject on which he had not framed a judgment, or rather embraced a prejudice—and his ignorance was such that nine political questions out of ten fell into this category—his mind was a blank on which they could write in indelible characters whatever they pleased. He never forgave a friend who had not treated Adams as an intruder, Clay as a traitor, and the decision of the House of Representatives as a moral pollity. To sustain this preposterous view, an equally startling constitutional theory was advanced by Benton, of Missouri—a vulgar, uneducated and eloquent Randolph, without Randolph's moral and intellectual power, who played, by force of will, extravagance, and insensibility, a prominent part in the political controversy of the next thirty years. With equal

principles of law and grammar, Benton had down what he called the "majority" principle—the doctrine that a bare majority or a bare plurality of the people formed a sovereign source of power, to whose will it was the sole duty of every constitutional authority to give immediate effect. The Constitution had expressly provided that the President should not be elected by a mere plurality of votes electoral or popular. In the absence of a clear majority of the former, the choice was referred to the Senate, with special provisions intended to secure that a minority of the States, and not of the people, should elect. The whole machinery of election was accordingly arranged to prevent the domination of mere numbers, to protect the rights and interests of the weaker States. The Jacksonian faction, however, eagerly adopted Benton's non-natural interpretation of the whole constitutional system. They derived from it a further corollary, which gave a new twist to some of the political controversies of the age—that a Presidential election was a *plebiscite* upon every question to which the successful candidate stood committed, and on which the victorious party chose to insist; ignoring that leading principle of American polity which requires a majority of the States, as represented in the Senate, to sanction the resolves of the strongest popular majority in the House of Representatives. Such a doctrine appealed powerfully to the passions and the self-idolatry of democracies, and to the democratic interpretation of popular sovereignty now grown in favour with the North; while the supreme influence of Jackson neutralised the jealousy with which the States-right instinct of the South would naturally have regarded this novel and dangerous heresy. The election of 1828-9 resulted in a decisive majority for Jackson. Calhoun, who still remained on amiable and friendly relations with the General, and was the acknowledged representative of Southern feeling, was re-elected to the Vice-presidency.

The Presidency of Jackson marks an era in the history of American politics, in the tone of public life and the character of public men, in the development of the democratic idea

Thence date the open and rapid degradation of the Federal Government in all its branches, the deterioration of political and national ethics, the demoralisation of party, the introduction of a lower standard of principle, policy, and personal character. From that time 'politician' has become a term of reproach or contempt. Stratagem, intrigue, and corruption have been the weapons of Congressional conflict; electioneering a 'craft or mystery' by which its masters must live; office the prize of electioneering skill; and issues, even great and noble in themselves, the tools and counters rather than the true objects and ruling forces of party conflict. In no other country, and at no previous period in American history, could a man like Jackson have risen to high public trust. His predecessors, without exception, had been gentlemen by education, character, and manners, and, with one doubtful exception, by birth and breeding. Even his immediate successors—Van Buren, Harrison, Tyler, Polk, Taylor, Fillmore, and Pierce—were men of respectable character, of decent morals, and fair personal reputation. Jackson owed the popular favour which placed so strange a figure in the chair of Washington, Adams, and Jefferson, to qualities and antecedents the very opposite of theirs; to the fact that he was 'a man of the people,' born to the lowest rank and the coarsest tastes; a duellist after the brutal and often unfair fashion of the Far West, charged with more than one private and with several public murders; a man whose 'record,' in American phrase, indicated the Penitentiary rather than the White House as his fitting and probable goal.

In congenial society—never the best—he could be affable and not ungracious. But when directly confronted with the contrary judgment of those who had given to the study of the subject more years than he could spare minutes, his unparalleled self-confidence was sustained and fortified by a species of dogmatism which often relieves a certain class of politicians from the responsibility of thought and the trouble of argument—a close parody of ecclesiastical Ultramontaniam. He held a creed which we find formulated nowa-

days by respectable statesmen, grave historians, and pretentious moralists—the right divine of numbers.—The People is infallible when speaking *ex cathedra*, and the People speaks *ex cathedra* when I am its spokesman. He astounded the statesmanship, outraged the traditions, and startled the common sense of the country by his first enunciation, 'To the victors belong the spoils,' treating the patronage of the Executive as spoil of war, and civil employments—from the highest to the lowest—as salaried sinecures wherewith to reward the supporters whose influence had secured for him the votes of their States or districts. Jefferson had incurred considerable censure by vacating twenty-six offices on political grounds. Madison and Monroe had no excuse for displacing the nominees of their Democratic predecessors. They remembered—what was probably unknown to Jackson—that the President's right of dismissal without the assent of the Senate had been disputed, and affirmed at last by a very narrow majority; and *that* before any one had dreamed of dismissal without cause, save as one of those conceivable enormities against which the remedy of impeachment was provided. John Quincy Adams had greatly offended his supporters by refusing either to make vacancies for their benefit, or to be guided by their claims in filling those which occurred during his term. Jackson carried out his opposite theory with his usual imperious consistency and characteristic contempt of every adverse consideration.

Upon this, as upon other points, he found himself confronted by the unanimous protest of the four leading statesmen who agreed upon no main issue of constitutional law, of party principle, or public policy. Calhoun distinguished himself, now and afterwards, by a struggle as dishonourable as fruitless to protect at once the credit of the public service and the standard of political morality against an influence so obviously corrupt and degrading. Adams was equally consistent and outspoken, if less persevering. Clay and Webster, far less strict and scrupulous, opportunists rather than men of principle, were not the standard-bearers. If the practice were

not wholly novel, the theory had never before been avowed or systematically enforced. But Jackson was not checked, was not even staggered, by such a weight of adverse authority. The people were at his back; and he, as Jackson and as the elect of the people, could do no wrong.

A personal feud contributed to alienate him from the better class of his political allies. His own marriage had been irregular in form, and to the reproach and annoyance which that irregularity had brought upon himself and his wife he was keenly sensitive. Eaton, a member of his Cabinet, married a woman said to have been his mistress. Ladies of stainless reputation of course refused to receive her. Jackson took up her cause. But he found, to his infinite rage and astonishment, that his patronage was worse than unavailing. Gentlemen like Clay and Calhoun quietly closed their ears to his dictation and their doors to his *protégés*. His attempt to bully the ladies of Washington only brought ridicule upon himself, and more stinging social slights upon those he strove to force into society. Something, of course, he could do. Van Buren's adhesion to Mrs. Eaton was rewarded with the promise of the succession, and in the meantime with the best of the good things from his master's table. Calhoun had been Jackson's designated successor; but from the day when Mrs. Calhoun quietly declined the society of Mrs. Eaton, Jackson was her husband's mortal enemy, and used all his influence with his party, down to the close of his life, to exclude its one first-rate statesman from the object of his rightful ambition.

CHAPTER III.

BANK AND TARIFF. NULLIFICATION.

Jackson's Quarrel with the Bank—His Extreme Views—Iniquity of the Tariff—State Characteristics—Theory of Nullification—Jackson's Threats—Compromise.

THE second important measure of the new Government, in which constitutional objections were as usual invoked to ratify resolves founded in personal animosity, was a crusade against the Bank of the United States. Jackson alleged that its influence had been used during the election campaign of 1828 against himself, and had since been employed to thwart his Administration. The reproach, as a charge against the Bank collectively, and not against individual directors, was easily and completely disproved. But Jackson's passions so dominated a narrow intellect that hatred passed with him for evidence, rendered him deaf to argument and blind to demonstration.

In 1832 the Bank applied to Congress for a renewal of a charter that had still some time to run. In spite of Jackson's influence, the measure, energetically supported by Clay and Webster, passed through both Houses. The President returned it with his veto, alleging that the charter was and had always been unconstitutional. As it had passed through Congress in 1816, after being carefully scrutinised and amended to satisfy Madison's constitutional scruples, and had received the sanction—as it had been in operation for sixteen years and formally sustained by the Supreme Court—this doctrine was somewhat startling. It was supported by a pretension more astounding still. Jackson contended that it was the right and duty of each successive President to act upon his

own interpretation of the Constitution without regard to precedent, practice, or authority, to lapse of time or concurrence of opinion. The same doctrine would evidently apply to every Senator and Representative, nay, to every magistrate and citizen throughout the Union. It therefore nullified the constitutional provision which gave to the Supreme Court the ultimate if not the exclusive right of authoritative interpretation. It was anarchy systematised. Needless to say that Jackson had never considered, and if he had considered would have been incapable of appreciating, the monstrous consequences of his dogma. He was simply resolved to have his own way, in defiance of Courts and Congress. He next ordered the Secretary of the Treasury to remove the Government deposits from the Bank. The Secretary refused to be the agent of his chief's vindictive malice, and was dismissed in favour of a more pliant tool. After a long contest the President succeeded in closing the Bank, and gratifying his personal grudge against a few leading directors at the expense of hundreds of innocent and inoffensive shareholders.

In the meantime, a measure which did not originate with Jackson, which was adverse to the principles and traditions of his party and to the interests of his section, if not to his personal views, revived the issues raised by the Virginia and Kentucky Resolutions against the despotic policy of the elder Adams, and, less directly, by the resistance of New England to the War of 1812. State rights and Federal pretensions were brought, for the first time, into direct and persistent collision; and the sectional jealousies so signally displayed in the resistance to the admission of Missouri again imperilled the cohesion of the Union. It was not by any traditional prejudice or constitutional conviction, but by his personal animosities and his passionate intolerance of opposition to his official authority as to his individual will, that Jackson was thrust into the position to which he owes the halo of popularity with which chance has encircled his memory—the attitude of a representative of ultra-Federalism, a thoroughgoing champion of the Union.

Had Calhoun been the advocate of the Tariff, or had Jackson been Governor of South Carolina, there can be no reasonable doubt that the latter would have asserted the doctrine of Nullification with the same intemperance with which he actually denounced it, and would have been as ready to draw the sword for State sovereignty as for Federal supremacy. The Northern majority in Congress, devoted to the selfish interests of their States and supported by a few Southern votes, carried a tariff more violently and openly protectionist, more flagrantly sectional, than any yet attempted.

Most of the elder States preserve throughout American history an individuality quite as distinct and persistent as that of leading Greek cities or great Roman families. The Pharisaic self-esteem, the intolerant virtue, the moral austerity, intelligence, and commercial shrewdness of Puritan Massachusetts, the time-serving, unscrupulous, serpentine policy of Pennsylvania, the statesmanlike moderation, soldierly pride, and aristocratic dignity of Virginia, stand out in the national annals in colours as clear and unalterable as distinguish the impulsive liberalism of Athens from the stern selfish, oligarchic reserve of Sparta and the unprincipled brutality of Thebes, or the haughty insolence of the Claudii from the aristocratic conservatism of the Fabian and the liberality of the Valerian House. But, above all, the dauntless and defiant spirit, the fiery temper, the venturous chivalry of South Carolina continually remind the student of American history of her mixed origin—the early interfusion of the blood of the English Cavaliers with that of the Huguenots, who, as their religious fanaticism softened, transmitted to their offspring the traditional gallantry and martial spirit of their Gascon ancestry. Nothing in her situation, geographical, political, or industrial, required her to take the foremost place in sectional conflict; but in almost every collision the Palmetto State comes to the front as the promptest, fiercest, most determined champion of State sovereignty, slavery, and Southern interests. Such was the attitude she now assumed under the guidance of Calhoun. Every one of the planting States was at least as

deeply injured by the tariff; most of them by power, influence, and magnitude of interest were more properly called upon to resist the financial aggressions of New England; but the first part was left to South Carolina, nor was she even firmly and vigorously supported by her Southern sisters. On her behalf Calhoun asserted what has since been known as the doctrine of Nullification. Resting on the inalienable and unsundered sovereignty of the States, he maintained their several right in the last resort to judge each for herself of the purport and limits of the Federal compact, and to protect themselves against the abuse or transgression of Federal powers. The Legislature of South Carolina forbade the application of the new tariff in her ports, and rendered the Federal officers who should attempt to enforce the act of Congress liable to the penalties of State law.

This constructive defiance of the Executive authority which he chanced to wield was taken by Jackson as a personal affront. The Customs officers were *his* subordinates; in forbidding them to obey orders from him, South Carolina had infringed his dignity, and he would be avenged as instantly and as fully as possible. Constitutionally, nine American lawyers in ten would have pronounced against the State.¹ Calhoun himself "only defended" Nullification as an unsundered right of sovereignty, an extreme resource against a signal misuse for unconstitutional purposes of the constitutional powers of Congress. But Jackson proceeded as usual to put himself morally and legally in the wrong. The President flew into an ungovernable rage, stormed and threatened. "He would bring South Carolina on her knees, he would compel her to obey him by fire and sword, he would treat her statesmen, Governor, and Legislature as traitors. He demanded of Congress what was called a Force Bill, to levy war against the rebellious State. According to his friends, he swore to

¹ As Jefferson Davis inclines to do, distinguishing clearly between nullification and secession, the right of a State to dissolve the League, and her right to remain within it and break its rules. From 1850 down to 1865 the latter was the course of the North, the former the claim of the South.

hang Calhoun, who had resigned the Vice-Presidency and accepted a seat in the Senate in order to represent the majesty and defend in debate the conduct of South Carolina. There is no reason to doubt a story so thoroughly characteristic. It was beneath a great statesman, arguing on grounds beyond Jackson's comprehension a great constitutional question, to notice such impertinences; and none of his colleagues thought it worth while to bring so gross a breach of privilege to the cognisance of the Senate. Needless to say that no words—nought save adhesion to an enemy actually in arms against the Union—could have enabled the Government to arraign Calhoun on a capital charge; and an attempt to execute the threat by extra-legal means would have brought every man concerned therein, from the President down to the meanest of his agents, within the compass of a halter.

Nor was there the shadow of moral excuse for Jackson's intemperance. Upon the original question the moral right was clearly with Calhoun; and nothing but a resort to violence could seriously endanger the Union or secure for the Nullification doctrine a formidable amount of support. Andrew Jackson would have plunged the Union into civil war rather than endure a check, but the common sense, the patriotic instincts, and the conscience of all parties shrank from extremities so wanton and so wicked. The Force Bill was delayed and the operation of the Nullification Act postponed; and in the meantime Henry Clay carried through Congress and forced upon the reluctant President a pacific settlement. The worst enormities of the tariff were modified; prohibitory duties were gradually to be cut down to an average rate of 25 per cent. *ad valorem*. So moderate were the demands of the South, so exorbitant were the exactions from which she claimed relief, that this enormous protection was readily conceded as the *minimum* which Northern manufactures were to retain; a *minimum* to be reached by biennial steps. The Force Bill was placed upon record on the one hand and the Nullification Act sustained upon the other.

Each party asserted its favourite dogma, and allowed it to remain a virtual nullity. The substantial victory rested with South Carolina, not only because she had compelled the repeal of the iniquitous tariff, but because her people meant the principle they affirmed; while, when Jackson's overbearing influence was once withdrawn, when the question was once relegated to theoretical discussion, few Northern lawyers or statesmen were disposed seriously to maintain the constitutional legitimacy of war against a recalcitrant State—a measure for which no authority could be found in the Constitution and which its framers had decisively rejected.²

² See Debates of 1833, and Van Holst's *Constitutional History*, vol. ii. The subsequent Liberty Laws of Northern States were exactly analogous to the Nullification Act; treating the rendition clause of the Constitution as South Carolina had treated the tariff of 1832.

CHAPTER IV.

NEW PARTY RELATIONS.

Clay, Adams, Calhoun, and Webster—Their Attitude on the Anti-Slavery Question—Salvation of the Union.

JACKSON'S eight years' despotic rule disorganised the whole system of party, dissolved all existing ties, and brought about a reconstruction on novel but unhappily not distinct or definitive lines. The main body of the Democrats, which, during this period, would be more correctly described as the Administration party, adhered firmly to Jackson, and gave a general if somewhat wavering and reluctant support to his designated successor. Jackson's intolerance of counsel or resistance, his quarrelsome and overbearing temper, and his personal feuds had before the expiry of his term driven into Opposition every leading statesman of the age. Benton was perhaps the most respectable of his adherents. Calhoun, and not Jackson, was the true heir of Jefferson and Madison, the representative of Democratic traditions and principles; and his proscription left the party without a competent chief and the South without a recognised spokesman.

The party that was opposed to Jackson's measures rather than to the man, which was inclined to revive the Bank, and, within limits, to favour protection, gradually acquired the name or nickname of Whig. In the confusion that followed the retirement of Monroe, Clay and Webster had been early separated from the genuine Democrats, who rallied around Jackson and Calhoun. Clay was the ally and Minister of Adams; Webster was attracted to Adams and repelled from

Jackson by local connections, personal considerations, and sectional interests; and they had taken their places as the leaders of an Opposition gradually welded into organisation and permanent cohesion by Jackson's headstrong aggressions and constitutional usurpations. His practical statesmanship, impressed by the circumstances of the time, the monetary anarchy, the financial confusion and distress which had followed the dissolution of Hamilton's Bank, had made Calhoun a supporter of an institution by which a sound currency might be re-established and the financial position of the Government restored; but his alliance with the capitalists of the North was unnatural and precarious, limited to the special needs of an exceptional period, and every new issue that arose tended to thrust them further apart.

The Whigs, or National Republicans as they at first called themselves, were not by principle or intention a sectional party. Clay, their recognised leader, held from first to last that intermediate position in sectional politics marked out for him by the geographical position and political tendencies of Kentucky; a Border State in feeling as in social and industrial character, belonging by economic interests and by political relations as much to the West as to the South. But the strength of the Whigs lay mainly in the Western and Northern States. New England was the stronghold and centre of their power, and exercised a controlling influence over their policy. The dominion which belonged at first beyond dispute to Clay gravitated insensibly towards Webster, the keener partisan, the more consummate and passionate orator, the stronger man, if not the abler statesman; with more ascendancy over men if less popular with the country, more capable of rousing enthusiasm than of provoking fear and hatred; above all, the representative of the more advanced, more determined and bolder policy, the favourite champion of the dominant extreme. Adams on the one hand, as Calhoun on the other, stood aloof or apart from close party ties, perhaps above them; for both Adams and Calhoun saw further and deeper than their rivals, represented perma-

ment principles and antagonistic interests rather than the passing objects, passions, and schemes of the day.

With all four the preservation of the Union was the imperative necessity, the paramount end of Federal politics. But with Clay this primary object was paramount over all conflicting considerations. The Constitution was the most solemn of all human obligations, disruption the *summum malum* not only to be averted at whatever cost, to be contemplated under no circumstances whatever, but to be kept out of reach and if possible out of view by compromising every question, discountenancing every agitation, sacrificing every principle, moral or political, that could consolidate those sectional combinations, embitter that sectional antagonism which became more and more obviously and necessarily the ruling forces of political life. Webster was less alive to the peril. He was, before all things, a New England Whig, hostile to Southern claims and interests, to slavery as a political influence, and to its territorial extension; ready for selfish, sectional, or party ends to appeal to passions and antagonisms incompatible with the safety of the Union, but when the crisis came, preferring the Union to all other considerations. Calhoun and Adams, but especially the former, were Unionists to the core—felt in the growing greatness of their country a patriotic pride, no less thorough and loyal than that of Clay or Webster; but, with far deeper convictions, far clearer conceptions, a stronger sense of other and even higher obligations, refused to close their eyes to the possibility, ever looming darker and nearer, of a conflict that could only end in disunion, or in evils—compromises, surrenders of principle and public duty—worse than disunion itself.¹ To the multitude, North and South, the danger was as yet not merely remote, but invisible. Neither section believed that the other would under any circumstances be pushed or push

¹ By 'disunion' or 'disruption' is meant the *de facto* separation of North and South. The idea of forcible reunion based on conquest and military despotism was not as yet countenanced by any party, hardly avowed by any responsible speaker.

its rival to that extremity. Each, therefore, insisted on its separate claims, its cherished ideas, its several institutions, its interests or its rights, to the point at which the alarms of the statesmen interfered—checked, awed, perhaps infected, but hardly convinced the people.

The Missouri conflict had been inspired by sectional and political rather than by moral considerations. The Missouri compromise, therefore, had set the question at rest for some ten years as no moral conflict, no struggle between principles, could possibly have been appeased.

CHAPTER V

SLAVERY AND SOUTHERN FEELING, 1825-1835.

Slavery of no moment to the North—An Incubus on the Border States—
A Necessity to the Cotton States.

So completely had the alarms and passions of 1820 subsided that in the Border States the relaxation and even the gradual abolition of slavery had been discussed with perfect freedom and with no very unequal division of opinion. An Emancipation Bill, introduced into the Virginian Legislature in 1832, found, according to President Buchanan,¹ no voice raised in favour of slavery. The Bill was dropped, but a resolution of mere postponement, to await the development of public opinion, passed by sixty-five votes to fifty-eight. Had the South been let alone—had no menacing pretensions, no attempt at interference from without, put her on the defensive, wounded the pride and insulted the independence of the several States—it seemed by no means improbable that in Virginia and Kentucky, Maryland and Delaware, slavery would have been rapidly and beneficially modified. The gradual recognition of legal rights in the slave, facilities of emancipation, restraints on abuse, and other similar measures, might within another decennial period have essentially altered its character and brought about its safe insensible abolition, as had happened in the Middle States. Massachusetts excepted, the Free States had become such from no deep and general conviction of the wickedness of negro slavery, but rather by the absence of any strong motive for the maintenance of an institution uncongenial to the spirit of the age and the

¹ *Administration*, p. 11.

traditions and usages of a democratic society. Slavery was ill adapted to the agricultural, and especially to the manufacturing and the commercial industries of New England, New York, New Jersey, and Pennsylvania. It was convenient chiefly in its domestic aspect, as providing families with a class of willing and unpretending servants, under conditions of social equality which rendered hired attendants exacting and expensive, pert, capricious, punctilious, and 'independent.' With the growth of wealth, population, and social distinctions the difficulty of procuring and managing white servants had diminished. Slavery was not necessary to make of negroes, reconciled by habit and education to a subordinate position and to menial offices, the most willing, respectful, and serviceable household attendants. Northern, Southern, and foreign testimony concurs in the preference of coloured to white servants. The number of slaves owned by any family was small, and the loss of their value nominal rather than real. There was no great industry to be discouraged, no mass of property to be confiscated, no large class of natural inferiors to be admitted to the privileges of a community with which they could not be amalgamated. No political element, no economic difficulty, no social complications rendered wholesale emancipation formidable or embarrassing; and it was effected easily and gradually, so gradually that it continued to exist in law—that a few hundred or even a few thousand slaves were still to be found on Northern soil after slavery as an institution had practically ceased—in States that had long been reckoned and regarded themselves as 'free.'

* Rhode Island enacted in 1775 that all children thereafter born of slave mothers should be free. Connecticut passed a similar law for the benefit of children born after March 1, 1784. The Emancipatory Act of Massachusetts in 1780 had been promptly imitated by Pennsylvania, and New York followed in 1783. Slavery was abolished by New Hampshire in 1792; by New Jersey not till 1820. Among the scanty population of Michigan in 1830 were thirty-two unfranchised negroes; and Illinois in 1840, though considered and boasting herself a Free State, still contained 331 slaves. Mr. Davis declared in a message to the Confederate Congress that the Northern States consulted their own interests by selling their slaves to the South and prohibiting slavery within their limits. Mr. Greeley answers that not one-fifth of the slaves held

The case of the South was wholly different. Even in the Border States the coloured population formed a large and important element, incapable of assimilation, inadmissible to social or political equality, and constituting the sole dependence of valuable industries. Emancipation, unless very carefully, deliberately, and slowly effected, unless guarded by political restraints and accompanied by a difficult and protracted process of education, would have effected a complete, probably dangerous, and possibly disastrous social, political, and industrial

in the Northern States *just before or at the time they respectively abolished slavery* were sold to the South. It is obvious that the two statements are literally compatible. The words in italics betray the weakness of Mr. Greeley's position, the unimportance of the fact that there was at the period he mentions no sudden diminution of the coloured people of the North. The slaves who *then* remained in the Northern States naturally consisted of two classes, those who were not worth selling and those whom from personal affection or personal scruples their masters would not sell. It must be taken for granted that the vast majority of Northern slaves were sold off during the twenty years preceding emancipation. No considerable class is ever scrupulous enough to wait tamely for the legal confiscation of chattels which would fetch \$500 to \$1,200. Such confiscation once foreseen, exportation is a matter of course. Abolition was not *merely* a matter of interest. The labouring classes of the North desired to be rid of slave, as the Californians of Chinese, competition. The proprietors were not affected, since slaves worth perhaps \$700 in Pennsylvania were worth \$800 in Virginia and \$1,000 in Louisiana. Thus selfish interest went to reinforce the instincts of Northern humanity and the stronger tendencies of Northern democracy. That interest was the decisive consideration in both sections may be conclusively inferred from several facts. Anti-slavery New England had been the seat of the contraband slave trade. Abolition moved slowly southward, driving the negroes before it; those agricultural Northern States whose southern districts were suitable to slave products and slave labour were the last to part with it. Virginia was divided on the subject till Abolitionist fanaticism excited a countervailing passion. In Kentucky and Delaware there was always a strong anti-slavery party, for the industrial interests of Delaware were Northern, and those of Kentucky and Missouri Western, rather than Southern. The Cotton States, on the other hand, where negro labour was not only profitable but indispensable, were unanimous and passionate in defence of slavery. It is a reasonable inference that, had conditions and climates been reversed, South Carolina would have been the foremost champion of 'humanity' and the higher law, the Puritans of New England the staunchest upholders of Biblical morality and constitutional right, of patriarchal customs and Christian precedents. The latter would have quoted with true Puritanical ruthlessness the remission of Onesimus and the curse of Canaan, and have reconciled to their consciences a coercive and preventive code unsoftened by the practical indulgence and personal charities congenial to the laxer discipline, the softer temper, wholesomer religious influences of the South.

revolution. It would have unsettled the rights of property and the foundation of credit and of business. In the planting States south of the Virginian border line, in Louisiana, Arkansas, Alabama, Mississippi, Tennessee, Georgia, and the Carolinas, negro labour was the basis of social order and industrial prosperity.

Cattle feeding in the woods, half wild herds of swine, corn crops raised on small farms, the ordinary resources of an agricultural community, formed a large part of the property of the country, the dependence of a majority of the white population. But the accumulated wealth of the States, their great plantations, their staple crops, their exportable produce, their commerce, their luxuries and comforts, all but the bare necessities of a rude agricultural life, depended on negro labour; and negro labour in such climates had always depended on, been made available and manageable by, slavery. None but negroes could have cultivated the rice swamps of South Carolina; negroes only were fit for outdoor labour throughout the year upon the low-lying fertile coast lands of the South Atlantic and Gulf States, or in the lower valley of the Mississippi. The tobacco crops of the Northern planting States, the Sea Island cotton of Georgia, the sugar of Louisiana, the constantly increasing 'ordinary' cotton crop³ which was the primary dependence of the South, were raised by slaves. Of the thirteen original States, South Carolina and Georgia alone were absolutely dependent on slavery. Virginia, Maryland, and North Carolina might have been at least as wealthy if no negro had ever been landed on their soil. Their difficulty was that the negroes were there, could not be removed, and could not, according to the almost universal belief of the times, live and labour among white men, be protected, guided, and controlled as their ignorant helplessness and indolence required, but through some form of bondage.

Throughout the Union of 1789 slavery was a recognised political evil, for which the blame was thrown on English

³ The staple of this crop was the quality known as Middling Orleans, and sold in Liverpool before the civil war for about 6d. per lb.

avarice; scarcely an industrial convenience,* still less the basis of social order and material prosperity. The sugar crop of Louisiana was as yet insignificant, the export of cotton was confined to a few hundred bales of the long-stapled kind which alone was worth picking and cleaning from the clinging seed by human labour. A million or two of dollars might have compensated South Carolina for the loss of her rice-fields. White men could have raised the tobacco of Virginia and Kentucky without negro help.

In 1793 the invention of Whitney's cotton-gin rendered the short-stapled cotton of the interior no less available for manufacturing purposes than the choice produce of Egypt and the Sea Islands. From a rare material of luxury like silk, cotton became, like wool and even more than flax, the commonest, most convenient, most manageable material of human clothing; and the cotton of America was at once better and cheaper than that of India. The quantity raised and manufactured increased with a rapidity perhaps unparalleled in the history of commerce. The export rose in a few years from hundreds or thousands to millions,* then to tens and even hundreds of millions of pounds. Its price, though varying, and on the whole steadily falling, was such as to compensate for all the difficulties of a new, and all the disadvantages of a rude, agricultural industry. The value of Southern lands and negro labour rose in proportion. Long before 1830 the prosperity and commercial importance of half a dozen rising communities, the industrial and social order of a growing empire, the greatest manufacture of manufacturing England, a vast capital, the daily bread of hundreds of thousands of free artisans, rested on American slavery. A growing property, already of value beyond possibility of pecuniary compensation, a gigantic interest with ramifications all over the globe, were based on the institution of which the Northern States had relieved themselves without difficulty and without sacrifice, which the founders of the Republic had tolerated as an evil of very limited extent and duration, and which the first generation of American states-

men had thought incapable of surviving the extinction of the African slave trade.

That they should have thought so is a signal proof of their shortsightedness and ignorance of social and economic laws. Slave importation 'disguised, but should not have concealed

' The mere vehemence of the anti-slavery controversy—the opposite views taken by men of the same race, religion, and language—above all, the fact that slavery was denounced as a *practical* abomination only by those who knew little or nothing of it, might have sufficed to prove that it was misjudged; that the Abolitionist enthusiasm of English and Northern multitudes, setting aside that of religious or humanitarian fanaticism, the passionate denunciation of the practice as distinct from the principle, was based on a delusion. If slavery had been in 1833 what England and Massachusetts supposed, Jamaica and Virginia would never have upheld it. And the radical error is an obvious one. The Abolitionists overlooked the effect of their first victory, largely due to slaveowners, the abolition of the slave trade. Putting aside the evils of the traffic itself—the barbarisation of Western Africa, slave wars, slave hunts, the exclusion of commercial and religious influences, the horrors of the middle passage—the slave trade was answerable for all the worst features of slavery. While it lasted it kept up a mutual reaction of terror and severity. The imported slaves were savages, some of them free-born, many of them warriors. Even the slave-born majority had been used to cruelty and caprice, but not to regular discipline and steady work. They were carried across the sea—a name of horror—to them parted from their land, homes, and people, subjected to a strange race, a new climate, new toils, and strange commands delivered in an unknown tongue. Most were sad and sullen, many ferocious, rebellious, and revengeful. The masters stood for ever on guard against the unspeakable horrors of servile insurrection, the hourly peril of arson, outrage, and assassination. It is marvellous that there was so little of reciprocal atrocity. Happily for the South, the slave trade, never very active, ceased before the great westward movement, the vast extension of cotton cultivation, had fully set in. The Act of 1808 and the cotton-gin made the negro a chattel too valuable to be wasted. The South never knew the worst aspect of slavery, the days when 'it paid best to use up the niggers and replace them,' when humanity was not sustained or enforced by interest. And those who judged slavery from without judged the slavery of the nineteenth century by the traditions of the eighteenth, the relation of the born master to his born bondsman, fellow-Christian, countryman, by, that of the slave-trading planter to the new-bought savage. It were as candid, as rational, to judge the factory system of to-day by the abuses of eighty years ago, when infants worked in the mill from candle-light to candle-light, or the condition of the Woburn or Chatsworth estates in 1885 by those of an Irish absentee of 1780. Slaveholders were not slavedealers. The majority of the negroes of the South, at any given period of the anti-slavery agitation, were the servants of masters on whose plantation or in whose house they had been born and bred, and confidently expected to die. Save on a few large and neglected plantations, the slavery of the South was the slavery of patriarchal 'bondsmen and handmaids,' not of Roman chattels or mediæval villeins.

from men like Hamilton, Gallatin, Jay, and Marshall the natural increase of the slave population. That increase, apart from immigration on either side, exceeded the increase of the Northern people, the most rapidly increasing free white community in the world. Released from anxiety, transplanted to a healthy and congenial climate, the animal energies of barbarism combined with the advantages of a high foreign civilisation would have ensured the rapid increase of the negro population. But their actual rate of multiplication during the first sixty years of this century bore witness to a combination of favourable influences such as have never been united save among the most favoured classes of the highest, most civilised, and most energetic European communities. Abundance without luxury, labour which could not be made half as severe or effective as that of English operatives or Continental peasant-proprietors, the vigilant supervision of Anglo-Saxon intelligence, method, and science, quickened by enlightened interest and natural humanity, prevented the infant mortality due to parental incompetence or neglect, protected the negro race from the waste of life caused elsewhere by overwork and underfeeding, by unwholesome habits, by the thousand disorders that keep down the numbers of a proletariat left to its own guidance. Cruelty, hardship, discontent, mental or physical suffering, ill-usage of any kind, would have been, as they are known everywhere to be, powerful preventive influences. The vital statistics of American slavery alone are conclusive evidence of the material well-being and mental ease of the slaves. It does not follow that slavery was favourable to the moral or mental character of the negro, still less that it was economically, morally, or politically advantageous to the masters as a class or to the community as a whole. But no economist and no candid student of Southern history can doubt that as human chattels, as intelligent labouring machines, as valuable beasts of burden, the slaves were well treated and well cared for, that overwork, excessive severity, physical hardship, conscious suffering of mind or body, must have been rare exceptions. •

The sectional struggle began about the middle of Jackson's first term with the appearance of Garrison's paper, the 'Liberator,' in Boston, and the formation of the first Anti-Slavery Society. The cloud which was soon to overshadow the Union, to obscure all minor political issues, to spread and darken year by year, and to burst in the most terrible elemental convulsion that since the French Revolution has shaken the foundation of a great civilised society, was at first no larger than a man's hand. Garrison was a fanatic by nature, a born rebel against all established rules, moral and political, and prone to believe that whatever is wrong—one of those men who have provoked the paradox that 'half the labour of the wise is spent in correcting the mischief done by the good;' who with eyes fixed now on a guiding star, now on a will-o'-the-wisp, seeing nothing but the light which may shine from Heaven or Earth or Hell, plunge into inextricable morasses or over fatal precipices. Ninety-nine of a hundred such men are tracked through life by the wrecks of their good intentions. One in a hundred proves, like John Brown, 'of more use to hang than for any other purpose,' and is happy in a martyrdom which wrecks himself alone.

One in ten thousand lives to witness a triumph which he has as often retarded as forwarded, and to receive tenfold more credit than he has deserved, yet less than can repay his sufferings and sacrifices. Of this rare class Garrison was perhaps the most fortunate, as he was among the most dauntless and resolute. The many bad causes and false ideas he took up, for which he incurred contempt and odium at the time, are never connected with his name. He lived to see the victory of the one idea in which the world was with him, and to reap the fruit of labours he had discouraged and methods he had condemned, of evil passions and selfish interests with which he had no sympathy. Unlike fanatics in general, he was scrupulous as to means; he would not consciously lie or perjure himself in the pursuit of his ends. Scornfully as he swept aside the plainest principles of right and equity that

directly conflicted with his paramount dogma, he adhered strictly and conscientiously to those which merely blocked the readiest road to his goal. No honest man could deny or doubt that the Constitution recognised slavery, that the Abolitionist who swore fealty to the Constitution swore to return fugitive slaves, to respect the State laws under which slavery existed. At every step the scrupulous advocate of 'immediate and uncompensated emancipation' was checked by the palpable and glaring contradiction which public faith and oaths of allegiance gave to his principles. From political action, therefore, conscience and honour debarred him. The Union was based on the equal rights of free and slave States; therefore the Union was 'an agreement with Death and a covenant with Hell,' and Garrison declined to set his name to that covenant even in order to outreach the enemy at his own game. Slave insurrections, involving, as such insurrections have always done, massacre, outrage, horrors far surpassing those of the Indian Mutiny, seemed the surest means to render slavery dangerous and hateful, even to slaveowners. But Garrison was a non-resistant, and would lend no conscious aid to destroy by such villainies 'the sum of all villainy.'

On this last point shrewder men at first professed from very different motives the same doctrine. They were an insignificant minority even in New England; had they openly appealed to violence and instigated rebellion, they would have rendered their cause hopeless from the outset, and brought their lives into peril, whether of Judge Story or Judge Lynch. They disclaimed solemnly, if not always sincerely, all resort to force; swore that they had never circulated their incendiary missives among the slaves; protested that if the murder of a single slaveowner would free all the slaves in the South they would not sanction it. A few hot-headed men presently spoke out more frankly. Giddings, the first and boldest champion of Abolition in Congress, openly excited in the probability of war with England, because England would let loose a negro army upon the South, and extinguish slavery in the blood of American men, women, and children. But by that time the

passions of a powerful Northern party had been so roused that a sentiment equally unpatriotic and inhuman could be uttered with impunity. At its first appearance Abolition was scarcely less odious in the North than in the South. The Anti-Slavery Societies were excluded from the use of public halls, and one built by themselves was burnt by the mob. Garrison was caught in the street, dragged up and down with a rope round his body, and as he thought barely escaped with his life. Lovejoy, another Abolitionist emissary, editing, with more daring than discretion, an incendiary journal on the frontier of Missouri, in one of those border districts of Illinois which had then strong Southern proclivities, was killed in a 'free fight' with the populace who stormed his printing-office. Abolitionist newspaper presses were wrecked and the type thrown into the street. A school for coloured girls in a Connecticut village was suppressed by force, and a law passed to forbid the establishment of schools for coloured *strangers* within the State. But the period of persecution, at least in New England, was not long. A party conspiring against the very existence of the Union, aiming at the disorganisation of society in one-half of the States and the confiscation of hundreds of millions of legal property, suffered nothing comparable to the sufferings of Quakers, Baptists, and Antinomians at the hands of Endicott, Rawson, Theophilus Eaton and John Davenport.

The Anti-Slavery party split at an early period into two sections, the scrupulous and the unscrupulous, the parties of political and moral force, those who would and those who would not perjure themselves. The ground first taken by the political faction was skilfully chosen. 'They could not carry, could scarcely turn the scale, in a single district, they could not send an avowed Abolitionist to Congress. They could not without personal peril publicly renounce the Union, and preach a crusade against the institutions of one-half the States. They were not at liberty to imperil the peace and unity of the country by reviling, taunting, and menacing a people keenly sensitive to insult. But the right of petition

was secured by the express language of the Constitution. This right, with which neither law nor lynch law could well interfere, they employed with consummate strategy to serve not their avowed, but their practical end. To petition Congress to transcend its power and violate the Constitution would have been an open impertinence and indecency. They could not, therefore, attack slavery directly as it existed in the Slave States. But they could convey an insult in the guise of a prayer. Congress had sovereign power over the District of Columbia—the ten square miles ceded by Maryland to give the Union a capital wholly free from State jurisdiction, in which men from West and East, slaveowners and free-soilers, might be alike at home. It had also supreme jurisdiction over the Territories while as yet in their condition as pupillage or political minority. From these, therefore, it appeared *prima facie* that Congress had the legal, if not the moral or constitutional, right to exclude slavery. This presumption afforded a technical cover for unlimited denunciation and unmeasured invective. Congress could hardly insist on a perfect logical connection between the preamble and the prayer, and their very incoherence might be made to convey a stinging insult. ‘Whereas slavery is an abomination and slaveholders accursed before God and man . . . your petitioners respectfully entreat [House or Senate] to exclude slavery for ever from the Territories,’ or, ‘to prohibit the purchase and sale of human beings within the District of Columbia.’ Such a plea would of course cover any amount and degree of reproach applying to the whole South and personally insulting every Southern senator and representative. Those who fathered such petitions—libels, as Calhoun justly called them, upon himself, his constituents, and his country—incurred a grave responsibility; for, by the immemorial rules of every legislative assembly, the member who presents a petition is held answerable for its contents.

The chief offender was John Quincy Adams, the only President who has descended without loss of influence or dignity from the Executive chair to a seat in the House of

Representatives. His course had provoked, by so pointed a defiance of the courtesies and proprieties of such an Assembly, if not by an actual breach of its standing orders, a censure which, calmly and deliberately inflicted, would have galled him to the quick, and fitly rebuked his clients. But those who drew the petitions had calculated shrewdly upon the effect of their language. The proud and sensitive chivalry of Virginia and the Carolinas, the ruder but not less spirited planters of Tennessee and Alabama, the fiery Creoles of Louisiana and the rough pioneers of Missouri, lost their temper and took the wrong ground. Instead of having the petitions read aloud, calling on the presenters to adopt or repudiate their language, and bringing them to account for every offensive term applied to their colleagues and countrymen, they treated not the language but the purport of the petitions as an offence. Calhoun demanded of the Senate that they should be summarily rejected, not received, or, in technical language, 'laid on the table.' A majority of the Senate, including many Southern members, saw that this was a false position, a denial or abridgment of the right of petition, and the motion was rejected. Calhoun was more successful in laying down the true constitutional principles bearing on the question. He stated the doctrine of State sovereignty in clear and decisive terms, ruled that any attack on the institutions of the States was in itself a flagrant violation of the spirit, if not of the letter, of the Constitution, that the Federal Government was the creation of the States, invested by them with limited powers, with no jurisdiction, no right, to sit in judgment morally or legally over their laws, customs, and civilisation, bound to protect their interest and institutions within the scope of its powers, and in the fulfilment of its functions to respect their local laws. The Senate adopted his well-thought-out and carefully-worded resolutions with few important amendments, and none that traversed their doctrine or inclined in the least to the contrary theory of Webster, that the Union was the creation of the people of the United States at large. That no such people was known in 1787

or for long years after, that Webster's doctrine would have astounded, if indeed it had a meaning for, the statesmen of the great Convention, no candid student of their writings and of contemporary history can doubt.⁵

The House, as usual, fell far behind the Senate in dignity and sobriety of thought and action. The exclusion of petitions touching the question of slavery was voted by a large majority ; in spite of the passionate and somewhat disorderly protests of Mr. Adams, the 'gagging resolutions,' as they were called, more and more strengthened and elaborated as fresh attempts were made to force or evade them, were subsequently made part of the standing orders. Jackson sided vigorously with the section to which he belonged, and of which, in spite of the 'Nullification' quarrel, he was still the idol. When the South complained of the dissemination of incendiary publications through the Federal mails, Jackson desired to exclude all papers attacking slavery from the post. Calhoun could not accept such a stretch of Federal authority. With that clear comprehension of constitutional distinctions which so bewildered and irritated the President, he asserted for each State the right to suppress the circulation within its dominion of papers forbidden by the State law. Neither measure could be carried ; no attempt to suppress freedom of speech and printing had a chance of favour in the North. The thing might be done by violence and terrorism, by tarring and feathering the writers

⁵ The series of short biographies of *American Statesmen*, published by Houghton, Mifflin, & Co., expresses the feeling and doctrine of the party which conquered in the civil war as developed by conflict and exaggerated by victory. Written for a generation which has converted a confederacy into a consolidated sovereignty, and sovereign States into subject municipalities, by partisan whose Federalism far transcends that of Hamilton and Gouverneur Morris, its anti-Federalist admissions have all the decisive force of evidence extorted from hostile witnesses. Yet even the biographer of Webster in this series, while passionately exalting the language and doctrine of the great orator, distinctly admits that it lacked the one vital merit of historical truth, that it was founded upon an obvious if not a deliberate fiction. Affirming that Webster's dogma is now part of the creed of all his countrymen, he admits that it was a creed unknown to those who framed and adopted the Constitution. The resolutions of the Senate declared that it was a creed equally unknown to the Constitution as it stood in 1837.

and 'destroying' the presses, but the attempt to restrain the worst excesses of a licentious press by law, and especially by Federal law, revolted those who had most sharply condemned them, and recoiled upon the advocates of repression.

By the end of Jackson's term the Abolitionists had gained a strong footing in New England, a right of free speech if not of free audience throughout the middle States. Abolition, total and immediate, was as yet the dream of a fanatical coterie. Free-soilism—though the word is of somewhat later adoption—antagonism to slavery, a determination to resist its claims, to prevent its extension, to confine it rigorously within the narrowest limits secured by the letter of State rights and Federal law, had taken deep root in the North, and commenced the substitution of sectional for national parties. The Whigs, anxious to retain their foothold in the South, abstained from any anti-slavery declarations. But as the advocates of Bank and Tariff they became by logical necessity, by force of controversy and of circumstances, by contradiction and party spirit, the champions of a modified Federalism. Still, while Henry Clay, the incarnation of compromise, was their recognised leader, their position must always be ambiguous, their language undecided, and their course uncertain.

During Jackson's term, his strong personality governed the relations of party. Except on questions directly involving the interests of slavery, the Whigs were the opponents of Jackson, the Democrats his supporters. Calhoun, the most formidable of his antagonists, was never seriously supposed to be a Whig, and his alliance with the party naturally terminated with the succession of a President who, while professing adhesion to every one of Jackson's doctrines, was utterly incapable of continuing Jackson's course of constitutional encroachment and autocratic rule.

CHAPTER VI. •

THE CONSTITUTIONAL ISSUE.

American Meaning of the Word 'Constitutional'—Its Ambiguity—Northern Infractions of the Compact—What the Free States could honestly have done. •

A MERE verbal distinction seldom affects the actual course of politics; but the double meaning of the word 'constitutional' had a very important influence on the course of the sectional controversy which raged, with few intervals of truce, from 1835 to 1865—the contest which centred at first, formally rather than really, on the District of Columbia, and was afterwards waged for the possession or division of the Territories. In American political language, the primary significance of the word is technical, while it cannot be wholly divested of that wider and more general sense which it bears in English politics. Under the unwritten and gradually developed law and usage of English government, legality and constitutionality are not only not convertible, but mutually exclusive, terms. That which is illegal is never called unconstitutional. The latter term is applied to the exercise of prerogatives, privileges, and functions undoubtedly legal in a spirit consistent with the letter of the law, but incompatible with the gradually modified practice with the understandings successively established by custom and compromise, by the altered balance of power, the progress of opinion, the lapse of old and the creation of new usages and precedents. The most signal changes of the English political system have been silent and *insensible*; the most violent political revolutions have but slightly changed that written and unwr-

law which alone is laid down in the records and administered by the tribunals. That law was the same under Charles II. as under his father. The ascertained prerogatives of the Crown were untouched by the Revolution of 1688. The Peers retained in 1833 every right and privilege they had possessed when, in 1689, the two Houses came into conflict upon the settlement of the Crown, and when only the imperative refusal of the Prince of Orange to accept anything short of the regal title and authority turned the scale in favour of the Commons. But Charles I. found it impossible to exercise prerogatives conceded without question to Elizabeth; and the Government of the Restoration tacitly contracted within narrow limits prerogatives broadly asserted down to the outbreak of the Great Rebellion. Charles II. could, and William III. could not, 'constitutionally' dissolve a newly-elected Parliament without allowing it to meet, and repeat an unsuccessful appeal to the country. William III. could, and George III. could not, withhold his assent from legislation that seemed to him ill considered or impolitic. But for the firm stand made by Pitt and his master against the Coalition, the right of appealing by dissolution from a hostile or factious Parliament to the judgment of the people might have ceased to be numbered among the constitutional prerogatives exercised by the Sovereign on the advice of his Ministers. The rights of the Upper House are less clearly defined, but it is certain that they once could, and that since 1832 they cannot reject a measure of the first importance carried for the second time after a dissolution *ad hoc*.

Under the written Constitution of the United States, an act unconstitutional in the stricter sense is also illegal. The President, for example, may arrest a citizen without process of law; Congress may sanction the arrest; the people may approve, the States may tolerate it; years may elapse, and repeated usurpations confirm the precedent thus established; but whenever the act is brought to legal arbitrament, the Supreme Court must pronounce it criminal and punishable. Should Congress make paper issues a legal tender, those issues

may become the sole currency of the country, all pecuniary transactions for years, all contracts, all sales, wills, and agreements dealing with *reality* and personality may be regulated thereby; but if the original act have infringed or transcended the letter of the Constitution, it is null and void, and must be so pronounced whenever the question is brought before the proper tribunal.¹ But, like a statute, a written Constitution has a spirit as well as a letter, assumes pre-existing relations, must be interpreted and administered in accordance with these and with its general meaning and paramount intention. In a word, constitutional powers may be unconstitutionally exercised; acts strictly legal may grossly violate rights prior to and consecrated by the fundamental law. This ambiguity has been frequently illustrated by the history of American politics, and nowhere so signally as in the debates of Congress upon the anti-slavery agitation, and not least during its earliest years. The tariff taxing Southern industry for the advantage of Pennsylvanian mine-owners, New York ship-masters, and Massachusetts manufacturers was unquestionably legal, but in the wider English sense of the word hardly constitutional. The exclusion of slavery and the slave trade from Territories under the jurisdiction of Congress was within its written powers, was in the American technical sense strictly constitutional; but a monopoly of the Territories—of new States and new votes in the Senate—by one class of States, an offensive discrimination by the Federal Legislature against the institutions of one-half the Union, could by no special pleading be reconciled with the spirit, the history, or the nature of the Federal compact, or with the equality of rights implied in the very existence of the Federal relation. Again, to tell the Senators and Representatives of Virginia and the Carolinas, of Maryland and Delaware, ‘You are bound by law and duty to attend every year the sessions of Congress in the national capital, but when you enter that capital your

¹ Only the addition of two pledged partisan judges to the Supreme Court by Grant while the case was pending prevented the possibility from actually realised.

property shall be confiscated, you shall not be attended by your servants,' would have been a glaring outrage on the meaning of the Constitution, an insult which no single State, much less one-half of the States forming the Union, could endure without a total surrender as well of honour and self-respect as of Federal rights and rank. It would have been flagrantly inconsistent with the title by which the District was held. A Slave State had *ceded it*² to create a neutral ground, a capital in which each State and every citizen should be equally at home. Southern instinct and political common sense perceived the outrage on the instant. But reasoners entangled in the letter of the law mistook the nature of the objection. The thing was unconstitutional, the sum of all unconstitutionality, but its condemnation was not to be found in the letter of the Federal compact. It was incompatible, not with the formulas of the Constitution, but with the essential nature of the Union of which the constitutional formulas were but the seal. Southern orators and lawyers, seeking proofs of that which was palpable, failed, as men generally fail to demonstrate by argument that the sun shines at noonday. When they appealed to the terms of the treaty of cession, the limited powers of the ceding Legislatures, the clauses of the Constitution, they landed themselves in the net of special pleading which Adams had prepared for them. They proved too much; proved, if anything, that slavery in the District must legally outlast the voluntary abolition of slavery throughout the States.

Calhoun, as usual, avoided the snare, but even Calhoun hardly reached with his usual directness the true central point—that possibility that constitutional powers might be unconstitutionally exercised, which, if not expressed in the form, lay at the root of his whole argument on the Tariff and Nullification. He met the unconstitutional agitation of the Abolitionists by preventive measures equally unconstitutional, upon which he was signally beaten. He strove to put it down

² Originally two Slave States, Virginia and Maryland, had joined in the State Union, but the part ceded by Virginia had been restored.

by a clear, authoritative, and unanswerable demonstration of its unconstitutional spirit, and within the field of politics he was completely victorious; so victorious, that the Free-soilers were driven back step by step over the frontiers of the Constitution and forced to rest their case upon a 'higher law.' Answer to that appeal there was none, save that the higher law condemned them out of their own mouth. Within the Union, the Constitution was the highest law. Within the Union they had no right, moral or legal, 'to break their fathers' promise.' If they would be no parties to the abomination of slavery, they must renounce the benefits as well as the obligations of the bond. They must renounce with the Union the tax on Southern industry, the control of Southern commerce, the monopoly of Southern finance, which it had given them. They must allow the South free trade, free access to European markets, free use of European capital at European rates of interest. They must renounce her carrying trade, the navigation of her rivers, the preference in her ports. They must renounce protection, or establish a line of custom-houses along the Mississippi, the Ohio, and the Schuylkill. For all this the little sect of genuine Abolitionists, with Garrison at their head, were thoroughly prepared. They were willing and eager—till chance offered a temptation too strong for their honesty—to break their league with Death and forswear their covenant with Hell. But the Free-soilers preferred the Union to freedom, their profits to their principles, empire to conscience; and hence it is that their thirty years' record is, by the confession of their own children, one of inconsistency and cowardice, of bluster and disgrace.

APPENDIX A.

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN
THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS-BAY, RHODE
ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW
YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND,
VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, AND GEORGIA.

ARTICLE 1.

The style of this confederacy shall be, 'United States of America.'

ARTICLE 2.

Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE 3.

The said States hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE 4

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of

and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also that no imposition, duties, or restriction shall be laid by any State on the property of the United States, or either of them. If any person guilty of or charged with treason, felony, or other high misdemeanour in any State shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offence. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE 5.

For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of every State shall direct, to meet in Congress on the first Monday in November of every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year. No State shall be represented in Congress by less than two, nor more than seven, members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or any other for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from and attendance on Congress, except for treason, felony, or a breach of the peace.

ARTICLE 6.

1. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy

from, or enter into any conference, agreement; alliance, or treaty, with any King, Prince, or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

2. No two or more States shall enter into any treaty, confederation, or alliance whatever between them without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States in Congress assembled with any King, Prince, or State, in pursuance of any treaties already proposed by Congress to the Courts of France and Spain.

4. No vessels of war shall be kept up in time of peace by any State, except such number as shall be deemed necessary by the United States in Congress assembled for the defence of such State or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress assembled shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

5. No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the Kingdom or State and the subjects thereof against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, and unless a State be infested by pirates, in which case vessels

fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE 7.

When land forces are raised by any State for the common defence, all officers of or under the rank of colonel shall be appointed by the legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE 8.

All charges of war, and all other expenses that shall be incurred for the common defence or for general warfare, and allowed by the United States in Congress assembled, shall be defrayed out of the common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE 9.

1. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving Ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subject to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of the establishing rules for deciding in all cases what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the seas; and establishing courts for receiving and determining

finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

2. The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following:—Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent Commissioners or Judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven or more than nine names, as Congress shall direct, shall in the presence of Congress be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be Commissioners or Judges, to hear and finally determine the controversy, so always as a major part of the Judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed without showing reasons which Congress shall judge sufficient, or, being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided that every Commissioner, before he sits in judgment, shall take an oath, to be administered by one of the Judges of the Supreme or Superior Court of the State where cause shall be tried, well and truly to hear and determi-

matter in question, according to the best of his judgment, without favour, affection, or hope of reward : provided also that no State shall be deprived of territory for the benefit of the United States.

3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction ; shall on the petition of either party to the Congress of the United States be finally determined as near as may be in the same manner as before prescribed for deciding disputes respecting territorial jurisdiction between different States.

4. The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States ; fixing the standard of weights and measures throughout the United States ; regulating the trade and managing all affairs with the Indians not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated ; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the United States, excepting regimental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

5. The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated *A Committee of the States*, and to consist of one delegate from each State ; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of President more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of

land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of the circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same; in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

6. The United States in Congress assembled shall never engage in war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a Commander-in-Chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of State on any question shall be entered on the journal, wh

desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ARTICLE 10.

The Committee of the States, or any nine of them, shall be authorised to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think it expedient to vest them with: provided that no power be delegated to the said Committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ARTICLE 11.

Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE 12.

All bills of credit emitted, money borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for the payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE 13.

Every State shall abide by the determinations of the United States in Congress assembled on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress to approve of, and to authorise us to ratify, the said

articles of confederation and perpetual union: Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and pledge the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent; and that the union shall be perpetual. In witness whereof, we have hereto set our hands in Congress.

Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

The aforesaid articles of confederation were finally ratified on the 1st day of March, 1781; the State of Maryland having, by their members in Congress, on that day acceded thereto, and completed the same.

New Hampshire	JOSIAH BARTLETT JOHN WENTWORTH, jun. JOHN HANGCOCK	Delaware	THOMAS MCKEAN JOHN DICKENSON NICHOLAS VANDYKE
Massachusetts Bay	SAMUEL ADAMS ELBRIDGE GERRY FRANCIS DANA JAMES LOVELL SAMUEL HOLTEN	Maryland	JOHN HANSON DANIEL CARROLL RICHARD HENRY LEE JOHN BANISTER
Rhode Island	WILLIAM ELLERY HENRY MERCHANT JOHN COLLINS ROGER SHERMAN	Virginia	THOMAS ADAMS JOHN HARVEY FRANCIS LIGHTFOOT LEE
Connecticut	SAMUEL HUNTINGTON OLIVER WALGOTT TITUS OSMER ANDREW ADAMS	North Carolina	JOHN PENN CORNELIUS HARNETT JOHN WILLIAMS
New York	JAMES DUANE FRANCIS LEWIS WILLIAM DUER GOVERNOR MORRIS	South Carolina	HENRY LAURENS WILLIAM HENRY DRAYTON JOHN MATTHEWS RICHARD HUTSON THOMAS HAYWARD, jun.
New Jersey	JOHN WITHERSPOON NATHANIEL SCWIDDER ROBERT MORRIS	Georgia	JOHN WALTON EDWARD TELFAIR EDWARD LONGWORTHY
Pennsylvania	DANIEL ROBERTS JONATHAN BAYARD SMITH WILLIAM CLEMAM JOSEPH REED		

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APPENDIX B.

CONSTITUTION OF THE UNITED STATES OF AMERICA.

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

SECTION 1.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of

the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and, until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

SECTION 8.

1. The Senate of the United States shall be composed of two senators from each State, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or When the President of the United States is tried, the Cl

shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

SECTION 4.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.

The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the

treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be passed by two-thirds of the Senate and House of Representatives according to the rules and limitations prescribed in the ca;

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish an uniform rule of naturalisation, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies, and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organising, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever, within a district (not exceeding ten miles square) as may, by the laws of the particular States, and the acceptance of Congress, be-

come the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings :
—And

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the *census*, or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States : And no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

SECTION 10.

1. No State shall enter into any treaty, alliance, or grant letters of marque and reprisal.

of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any posts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:—

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person who has the greatest number of votes shall be the President, if such person have a majority of the whole number of electors appointed; and if no person have such majority, then the House of Representatives shall

Immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

8. P. fore he enter on the execution of his office, he shall take the following oath or affirmation.

9. I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will best of my ability, preserve, protect, and defend the Constitution of the United States.

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION 3.

1. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4.

For any crime the President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

SECTION 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4

1. The United States shall guarantee to every State in this Union a form of government, and shall protect each of

them against invasion; and on application of the legislatures, or the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States, sufficient for the establishment of this Constitution, shall be sufficient for the establishment of this Constitution; States so ratifying the same.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in the manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a fair and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district

